FEDERAL REGISTER

VOLUME 11 NUMBER 206

Washington, Tuesday, October 22, 1946

The President

PROCLAMATION 2707

NATIONAL AIR MAIL WEEK

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS every new chapter in the stirring saga of the transportation of mail warms the heart and touches the imagination of the American people; and

WHEREAS air mail has furnished a fresh opportunity for the interchange of thought, and the mail airplane, winging its way to the furthermost places, has become an emissary of peace and social progress; and

WHEREAS the Post Office Department has planned, for the week of October 27 to November 2, 1946, a program to encourage the expansion of mail service over the highways of the air:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby designate the week of October 27 to November 2, 1946 as National Air Mail Week and urge the people of the United States and its territories and possessions to join in the observance of this week, which marks another milestone on the road to international unity:

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 19th day of October, in the year of our Lord nineteen hundred and forty-six and of the Independence of the United States of America the one hundred and seventy-first.

[SEAL]

HARRY S. TRUMAN

By the President:

JAMES F. BYRNES,
Secretary of State.

[F. R. Doc. 46-19084; Filed, Oct. 21, 1946; 11:52 a. m.]

Regulations

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 953—LEMONS GROWN IN THE STATES OF CALIFORNIA AND ARIZONA

RULES AND REGULATIONS

Approval has been given to the following rules and regulations, effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 1940 ed. 601 et seq.) and the marketing agreement, and Order No. 53 (7 CFR, Cum. Supp., 953.1 et seq.) regulating the handling of lemons grown in the States of California and Arizona, hereinafter called the "marketing agreement" and the "order", respectively.

Section 953.102 of the rules and regulations is prescribed pursuant to section 2 of the marketing agreement and § 953.2 of the order. All other sections of the rules and regulations have been adopted by the Lemon Administrative Committee established under the marketing agreement and the order as the agency to administer the terms and provisions thereof.

Sec.
953.102 Nomination procedure.
953.104 Regulation.
953.106 Reports.

AUTHORITY: §§ 953.102, 953.104, and 953.106 issued under 48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp. 953.1 et seq.

§ 953.102 *Nomination procedure.* (a) The time of nominating members and alternate members of the Lemon Administrative Committee shall be not later than 20 days preceding the date of expiration of the terms of the members and alternate members of the said committee, and the manner of nominating members and alternate members of said committee shall be as follows:

(1) The California Fruit Growers Exchange, a California nonprofit cooperative marketing association with its principal place of business at Los Angeles,

(Continued on p. 12349)

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THE PRESIDENT

REGULATIONS AND NOTICES

FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents opposed to final actions, are identified as published in this issue. Proposed rules, as such in parentheses.

California, so long as it continues to market more than 60 percent of the total volume of lemons marketed in fresh form, as provided in the marketing agreement and order, shall by resolution adopted by its board of directors, nominate not less than 6 growers for 3 members and 6 growers for 3 alternate members of the committee.

(2) A meeting shall be held, at such time and place as may be designated by the agent of the Secretary, at which all cooperative marketing organizations, other than the California Fruit Growers Exchange (which includes its affiliated district exchanges and local associations), shall nominate not less than 2 growers for a member and 2 growers for an alternate member of the committee. The vote of each such organization shall be weighted by the quantity of lemons which it marketed in fresh form during the fiscal year (as defined in the marketing agreement and the order), the end of which is nearest the date on which the meeting is held. Any person who votes at any such meeting shall submit to the agent of the Secretary written evidence of his authority to vote for such an organization.

(3) Not less than 5 and not more than 10 meetings shall be held, at such times and places, throughout the lemon-producing areas in California and Arizona, as may be designated by the agent of the Secretary, at which growers who are not members of, or affiliated with, the organizations included under (a) (1) and (a) (2) of this section may vote. At each such meeting, the growers present shall nominate 1 grower. The number of ballots to be cast in selecting the 1 nominee for each meeting shall be determined at the respective meeting. All growers voting at any such meeting shall submit their names and addresses to the agent of the Secretary.

(4) The name and address of the grower who has been selected at each of the grower meetings to be held pursuant to (a) (3) of this section shall be placed on a ballot which shall be mailed to all growers of record, and otherwise made available to growers, who are not members of, or affiliated with, a cooperative marketing organization which markets lemons, with instructions to vote for only 1 grower whose name appears on the ballot, and to sign the ballot and return it within such reasonable time as may be determined by the agent of the Secretary.

(5) The agent of the Secretary shall give adequate notice of any meeting to be held pursuant hereto and of the voting for nominees by growers who are not members of, or affiliated with, a cooperative marketing organization, as provided in (a) (4) of this section.

§ 953.104 *Regulation*—(a) *Application for prorate base.* Handlers shall submit an application for a prorate base and allotment to the Lemon Administrative Committee at the beginning of each season.

(b) *Central points.* "Central points" shall mean the handler's packinghouse. This term shall include lemons assembled elsewhere if such assembly has been approved by the committee.

(c) *Computation of available lemons.* (1) Any handler requesting a computation of available lemons in accordance with section 4 (d) (5) of the marketing agreement and § 953.4 (d) (5) of the order shall submit a written application to the Lemon Administrative Committee. This application shall be submitted not less than 5 days prior to the date as of which the computation of available lemons is to be made and shall include the following and any other pertinent information which may be requested by the committee:

(i) The lemon acreage and number of trees under the control of the applicant during the current season and for the 2 preceding seasons. Handlers shall furnish contracts or other evidence of title to the lemons upon which their applications are based. The committee may require applicants to furnish the following information for the current season and each of the 2 preceding seasons: (*a*) the number of acres of lemon trees and the number of trees owned by the applicant; (*b*) the number of acres of lemon trees and the number of trees the applicant has contracted to buy; and (*c*) the number of acres of lemons and the number of trees the lemons from which the applicant has authority to market under written contract.

(ii) The estimated crop of lemons on the trees which are under the control of the applicant. The committee may require the submission of such estimate for each of the 2 preceding seasons.

(iii) Description of facilities within the area of production which are owned or controlled by the applicant for the assembling of lemons or which are available to the applicant for such assembly.

(iv) A record of the quantity of lemons picked, by weeks, during the current season and during the 2 preceding seasons.

(v) Record of the quantity of lemons disposed of, by weeks, during the current season and during the 2 preceding seasons, in the following channels: (*a*) interstate commerce including Canada; (*b*) intrastate commerce; (*c*) exported; (*d*) diverted to by-products uses; and (*e*) disposed of otherwise.

(vi) Description of the marketing methods and policies followed by the applicant in the handling of lemons.

(vii) Record of the quantity of lemons the applicant has in storage.

(2) The committee shall consider the evidence submitted by a handler pursuant to (1) of this paragraph to determine whether such evidence establishes unavailability of facilities. In making this determination the committee will consider the following factors as well as such other factors as may seem appropriate:

(i) The facilities for assembling lemons available to such handler compared with the facilities for such assembly available to other handlers.

(ii) The established handling and shipping policy of such handler as related to the handling and shipping policies generally followed by all handlers.

(iii) Weather conditions, labor supply, and any other factor that would limit the picking and assembly of lemons by the applicant.

(3) If the committee from the available information determines that the handler is entitled to a computation of his available lemons under section 4 (d) (5) of the marketing agreement and § 953.4 (d) (5) of the order, it shall compute for each such handler the quantity of lemons available for current shipment during the applicable 2-week period which such handler would have picked and assembled if facilities were available to him.

(d) *Allotment loans.* Allotment loans shall be repaid in the week following that in which such loans are made; such loans shall be deemed repaid if they fall due in a week in which there is no limitation of shipments.

§ 953.106 *Reports.* Handlers shall submit the following reports containing the following information to the Lemon Administrative Committee, 111 West Seventh Street, Los Angeles 14, California. Copies of the report forms may be obtained from said committee.

(a) *Available lemon count* (L. A. C. Form 1). Name, address, and location of applicant handler; actual number of boxes of lemons in specified containers; packed box equivalent of actual number of boxes of lemons; and certification of handler.

(b) *Advanced credit count* (L. A. C. Form 2). Name, address, and location of handler; block or description of lemons; loose boxes gross; percentage of slack boxes or unmerchantable boxes of lemons; loose boxes net; packed boxes; number of counts; purpose for which lemons are diverted; ending date of diversion period; and certification of handler.

(c) *Lemon diversion report* (L. A. C. Form 5). Name and address of approved by-products plant or charitable organization or other diversion of lemons from fresh fruit channels; number of loose gross boxes and advanced credit count number of juice grade or nonjuice grade lemons; net weights of juice grade and nonjuice grade lemons, respectively, and total net weight of such lemons; and certification of handler.

(d) *Certificate of assignment* (L. A. C. Form 6). Date of transfer of lemons; dates of weekly regulation period; name and address of consignee; number of packed boxes of lemons assigned; and certification of handler.

(e) *Transfer of allotment* (L. A. C. Form 7). Date of issuance; name and address of handler making transfer; name and address of handler acquiring transfer; dates of weekly regulation period; description of fruit; number of loose boxes of lemons; net weight in pounds, if loaded loose in bulk, equivalent packed boxes; total packed boxes transferred; how and where delivered; advanced credit count number; date delivered; lemon diversion report number; and certification of handler making transfer and handler acquiring transfer.

(f) *Report of weekly lemon movement* (L. A. C. Form 8). Weekly regulation period; quantity of lemons handled in out-of-state movement, packed boxes by rail, by truck, and total; quantity sold or transported for consumption in fresh form within State; exports (other than

Canada); quantity sold or disposed of to canners or byproduct manufacturers; quantity shipped for distribution to persons on relief, quantity donated for charitable purposes; quantity disposed of otherwise (rots, etc.); total movement; total field boxes picked during weekly regulation period; and certification of handler.

(g) *Subcertificate of assignment* (L. A. C. Form 9). Date of sale; certificate of assignment number; week when subcertificate is effective; name and address of buyer; number of packed boxes; name and address of person issuing subcertificate.

(h) *Application for a prorate base and allotments.* Name and address of applicant handler; information on net cubical content of standard lemon and orange boxes, of field boxes, and of irregular containers; copies of forms used under which applicant has authority to market under written contract or has contracted to buy lemons; name, post office address, and acreage of each grower, and production information by growers; location of packing and storage facilities for lemons of applicant; and signature of applicant.

(i) *Application for computation of available lemons.* Acreage and trees; estimated crop of lemons for current season in number of field boxes; lemon picks in field boxes, by weeks, since last week shown in any previous application; disposition of number of packed boxes of lemons by weeks since last application; quantity of lemons now assembled in packed boxes; and name and address of applicant handler.

(j) *Agreement with byproducts manufacturer.* Request to be included in list of approved byproducts manufacturers issued by the committee; agreement that all lemons purchased by the applicant manufacturer, on which the committee has issued advanced credit counts will be used solely for manufacturing purposes; understanding that failure to comply with agreement on part of manufacturer will cause removal of manufacturer's name from the list of approved byproducts firms; and name and address of applicant manufacturer.

Done at Washington, D. C. this 16th day of October 1946.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 46-18915; Filed, Oct. 21, 1946; 8:51 a. m.]

Chapter XI—Production and Marketing Administration (War Food Distribution Orders)

[WFO 141-1, Amdt. 2]

PART 1468—GRAIN

DISTILLERS' GRAIN QUOTAS

War Food Order No. 141-1, as amended (11 F. R. 11187), is hereby further amended to read as follows:

§ 1468.15 *Grain quotas for distillers of beverage spirits*—(a) *Definitions.* (1) "Daily mashing capacity" means one-fifth of the quantity of grain mashed in a particular distilling plant during any five consecutive calendar days since January 1, 1945, as certified by the Alcohol Tax Unit, Internal Revenue Bureau, Treasury Department, and filed with the Order Administrator prior to the first day of any month (other than October 1946) in which grain or grain products are used upon the basis of such figures. In the case of any distilling plant which was not in operation prior to the effective date of this amendment, a figure representing daily mashing capacity will be established upon application to the Order Administrator.

(2) "Order Administrator" means any employee of the Department of Agriculture designated by the Administrator to administer the provisions of this order.

(3) Any term not specifically defined herein shall have the meaning set forth for such term in War Food Order No. 141 11 F. R. 2217, 3997).

(b) *Monthly quotas.* Except as hereinafter otherwise provided, every distiller may, during each calendar month, use grain or grain products in the manufacture of distilled spirits for beverage purposes in a quantity not to exceed the greatest quantity as computed under subparagraphs (1), (2), or (3) below:

(1) Five times that portion of the daily mashing capacity of each distilling plant which is not in excess of 5,000 bushels, plus 4 times that portion of the daily mashing capacity of such distilling plant which is in excess of 5,000 bushels but not in excess of 10,000 bushels, plus 3 times that portion of the daily mashing capacity of such plant which is in excess of 10,000 bushels, or

(2) Three times the daily mashing capacity of each distilling plant, plus 3,000 bushels per plant, or

(3) Six thousand bushels per distilling plant.

Provided, however, That all grain used in October 1946 under any allocation in effect prior to the effective date of this amendment shall be chargeable against the October 1946 quota as computed under this amendment.

(c) *Use of corn, wheat, or wheat products.* No distiller shall use corn grading Nos. 1, 2, or 3, when purchased, or wheat or wheat products, in the manufacture of distilled spirits for beverage purposes.

(d) *Use of rye.* No distiller shall, during any calendar month, use rye in the manufacture of distilled spirits for beverage purposes in excess of a quantity computed as follows: 6 percent of the total quantity of grain and grain products authorized to be used during such month by each distilling plant operated by such distiller: *Provided,* That the minimum monthly allocation of rye for any distilling plant operated by such distiller shall be calculated at 2,000 bushels: *Provided, further,* That such minimum monthly allocation shall in no case exceed 15 percent of the total quantity of grain or grain products authorized to be used by such distilling plant during such month. Each distiller's total allocation of rye or any part of such allocation, computed in accordance with the above formula, may, during the month for which such allocation is in effect, be used in any distilling plant operated by such distiller.

(e) *Violations.* Any person who violates any provision of this order may, in accordance with the applicable procedure, be prohibited from receiving, making any deliveries of, or using grain, grain products, alcohol, alcoholic beverages or spirits. Any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Civil action may also be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(f) *Territorial scope.* This order shall apply within the 48 States and the District of Columbia.

This amendment shall become effective at 12:01 a. m., e. s. t., on October 21, 1946. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 141-1, all provisions of said order shall be deemed to remain in full force for the purposes of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability or appeal.

(E. O. 9280, 9 F. R. 10179; E. O. 9577, 10 F. R. 8087; W. F. O. 141, 11 F. R. 2217, 3997)

Issued this 18th day of October 1946.

[SEAL] C. C. FARRINGTON,
Assistant Administrator.

[F. R. Doc. 46-19050; Field, Oct. 21, 1946; 10:31 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Housing Expediter Premium Payments Reg. 5, Amdt. 1]

PART 805—PREMIUM PAYMENTS REGULATION UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

CONVECTORS

Section 805.5 *Housing Expediter Premium Payments Regulation No. 5* is amended in the following respect:

Paragraph (f) (2) is amended to read as follows:

(2) Each claim shall be filed on or before the last day of the month following the end of the month in which the convectors were shipped except that claims for July and August 1946 may be filed no later than October 31, 1946. Any producer whose shipments in any month are insufficient to permit the payment of a premium shall nevertheless file Form NHA 14-51 with the Manager, Loan Agency, Reconstruction Finance Corporation, Federal Reserve Bank Building, Cleveland, Ohio on or before the last day of the month following the month in which the deficit occurred (except that if the deficit occurred in July or August 1946 Form NHA 14-51 may be filed no later than October 31, 1946), as an information return to indicate the amount of the deficit.

Issued and effective this 21st day of October, 1946.

WILSON W. WYATT,
Housing Expediter.

[F. R. Doc. 46-19048; Filed, Oct. 21, 1946; 9:31 a. m.]

[Housing Expediter Premium Payments Reg. 8 as Amended, Amdt. 1]

PART 805—PREMIUM PAYMENTS REGULATION UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

CAST IRON SOIL PIPE

Section 805.8 *Housing Expediter Premium Payments Regulation No. 8* is amended in the following respect:

Paragraph (a) (12) is amended to read as follows:

(12) *"New producer".* A person who did not operate prior to the effective date of this section any plant for the production of cast iron soil pipe and cast iron soil fittings shall be a new producer as to any plant, operated by him for the production of cast iron soil pipe and cast iron soil fittings, which was not prior to the effective date of this section, substantially completed as a plant capable of producing such products.

This amendment shall be effective as of October 10, 1946.

Issued this 21st day of October 1946.

WILSON W. WYATT,
Housing Expediter.

[F. R. Doc. 46-19049; Filed, Oct. 21, 1946; 9:31 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War

[Notice of Direction No. 2 Under § 602.876]

PART 602—GENERAL ORDERS AND DIRECTIVES

DIRECTION RELATING TO SHIPMENTS OF COAL PRODUCED IN DISTRICTS NOS. 7 AND 8 TO CERTAIN DESTINATIONS ON THE UPPER GREAT LAKES AND SOUTHEASTERN UNITED STATES

The Notice of Direction to Lake Receivers of Coal produced in Districts 7 and 8 appearing at 11 F. R. 9557 is designated [Notice of Direction No. 1 Under § 602.876] and the following [Notice of Direction No. 2 under § 602.876] is hereby promulgated.

§ 602.876 *Districts Nos. 7 and 8.* * * *

Reported representations made by producers' representatives to purchasing interests indicate that some producers in Districts Nos. 7 and 8 may, during the coal year ending March 31, 1947, have a production somewhat in excess of that required to meet their obligations under Revised Regulation No. 32, as amended (11 F. R. 8575; 11 F. R. 10282; 11 F. R. 11560). This possibility is also indicated by projected production estimates.

In such circumstances, it is appropriate that any excess tonnage that may be available be distributed first to those areas most urgently in need thereof. Some areas served by the upper Great Lakes docks are dependent exclusively or largely upon lake-borne coal. Some areas in the southeast section of the United States have access to no coals other than those produced in Districts 7 and 8, while other areas are more fortunate and can take their fuel supplies over a longer period of time than can the lake receivers, and have access to alternate sources of supply. For these reasons, and in order to avoid any retardation of lake shipments during the short period of lake navigation remaining, the following Notice of Direction is hereby issued pursuant to the provisions of SFAW Regulation No. 1, as amended.

Notwithstanding the provisions of Revised Regulation No. 32, as amended, and the Notice of Direction to Lake Receivers of Coal Produced in Districts 7 and 8, issued August 28, 1946 (11 F. R. 9557):

1. Any shipper of coal produced in Districts 7 and 8 whose rate of production indicates that during the coal year ending March 31, 1947, he will have more than sufficient tonnage to meet all of his obligations under Revised Regulation No. 32, as amended, may ship any tonnage in excess of that required to fulfill those obligations, to the receivers described below.

2. Any commercial lake dock operator operating a dock or other unloading facility located on the West Bank of Lake Michigan, north of and including Waukegan, Illinois, Lake Superior, the Sault Ste. Marie, the Straits of Mackinac, the Upper Peninsula of Michigan and Georgian Bay may receive, from all sources combined, a tonnage of coal produced in Districts 7 and 8 in an amount sufficient to supply:

(a) Each retail dealer, whom he supplied last coal year, with a tonnage of prepared sizes for domestic use equal to that which he supplied to such retail dealer during the period April 1, 1945 through March 31, 1946; and

(b) Each industrial consumer, whom he supplied last year, with a tonnage not in excess of that necessary to fulfil such industrial consumer's requirements during the period May 1, 1946, through April 30, 1947.

3. Any industrial consumer receiving coal via lake at docks or other unloading facilities located on the West Bank of Lake Michigan, north of and including Waukegan, Illinois, Lake Superior, the Sault Ste. Marie, the Straits of Mackinac, the Upper Peninsula of Michigan and Georgian Bay may receive, from all sources combined, a tonnage of coals produced in Districts 7 and 8 not in excess of that necessary to fulfill his requirements for the period May 1, 1946, through April 30, 1947.

4. Any retail dealer located in the States of Virginia, North Carolina, South Carolina, Georgia, Kentucky, Tennesseee and West Virginia may receive from all sources combined, during the period April 1, 1946, through March 31, 1947, a tonnage of prepared sizes of coals produced in Districts 7 and 8 equal to that which he received during the period April 1, 1945, through March 31, 1946: *Provided, however,* That not more than 57 percent of such total amount shall be received prior to December 1, 1946; and the remainder may be taken in amounts not in excess of 11 percent in any one month beginning with December 1946.

5. Except as herein specifically modified, the provisions of Revised Regulation No. 32 and the Notice of Direction to Lake Receivers of Coal Produced in Districts 7 and 8, issued on August 28, 1946, remain in full force and effect.

(E. O. 9332, 8 F. R. 5355; E. O. 9125, 7 F. R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 176, 58 Stat. 827 and 59 Stat. 658)

Issued this 16th day of October 1946.

J. A. KRUG,
Solid Fuels Administrator for War.

[F. R. Doc. 46-18105; Filed, Oct. 21, 1946; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Office of International Trade, Department of Commerce

Subchapter B—Export Control

[Amdt. 260]

PART 802—GENERAL LICENSES

GENERAL IN TRANSIT LICENSE

Section 802.9 *General in transit license "GIT"* is amended as follows:

The list of commodities set forth in paragraph (b) is amended by adding thereto the following commodity:

Commodity	*Schedule B No.*	*Schedule L No.*
Gallium metal	664998	686

(Sec. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671; 59 Stat. 270; 60 Stat. 215; E. O. 9630, 10 F. R. 12245)

Dated: October 16, 1946.

FRANCIS MCINTYRE,
Deputy Director for Export Control, Commodities Branch.

[F. R. Doc. 46-18887; Filed, Oct. 21, 1946; 8:51 a. m.]

Chapter IX—Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, and Public Laws 270 and 475, 79th Congress; Public Law 388, 79th Congress; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2919; E.O. 9599, 10 F.R. 10155; E.O. 9368, 10 F.R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507.

PART 3290—TEXTILE, CLOTHING, AND LEATHER

[General Limitation Order L-116, as Amended Oct. 21, 1946]

FEMININE LINGERIE AND CERTAIN OTHER GARMENTS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of textiles, clothing and other materials for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3290.11 *General Limitation Order L-116*—(a) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(b) *Definitions.* For the purposes of this order:

(1) "Women's" and "misses'" sizes means lingerie of sizes 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52.

(2) "Junior misses'" sizes means lingerie of sizes 9, 11, 13, 15, 17, 19.

(3) "Teen age" sizes means lingerie of sizes 10, 12, 14, 16.

(4) "Girls'" sizes means lingerie of sizes 7, 8, 10, 12, 14.

(5) "Children's" sizes means lingerie of sizes 3, 4, 5, 6, 6X.

(6) "Feminine lingerie" means all women's, misses' and children's night gowns, slips, petticoats and sleeping pajamas.

(7) A "night gown" means a one piece loose sleeping garment of any length.

(8) A "slip" means a one piece underskirt with bodice top which is worn under a dress or suit.

(9) A "petticoat" or "half slip" means an underskirt without bodice top.

(10) A "pajama" means a one or two piece garment with trouser legs which is suitable only as a sleeping garment.

(11) "Put into process" means the first cutting operation of cloth in the manufacture of any feminine lingerie for sale, resale, or on commission, including but not being limited to manufacturers to the trade, tailors, custom dressmakers, retailers and home dressmakers.

(12) Measurements: Particular measurements set forth in this order shall refer to finished measurements after all manufacturing operations have been completed, all decorations and embellishments added, and the garment is ready for shipment, as follows:

(i) All measurements for the length of gowns are to be made from the top of the shoulder to the bottom of the finished garment. No garment shall exceed the maximum length herein prescribed at any point in its circumference.

(ii) All measurements for pajama tops are from nape of neck to bottom of finished top.

(iii) All measurements for pajama trouser lengths are maximum outseam measurements including waistband.

(13) "Sweep" means amount of material in circumference of the garment.

(14) Unless otherwise expressly defined, all terms shall have their usual and customary trade meanings.

(15) [Deleted Oct. 21, 1946.]

(16) [Deleted Oct. 21, 1946.]

(c) [Deleted Oct. 30, 1945.]

(d) *General exceptions.* The prohibitions and restrictions of this order shall not apply to feminine lingerie manufactured or sold for use as:

(1) Infants' and toddlers' lingerie, size ranges from 1 to 3.

(2) Lingerie for persons who, because of abnormal height, size or physical deformities, require additional material for proportionate length of skirt, or jacket, or sweep of skirt.

(3) Historical costumes for theatrical productions: *Provided, however,* That no feminine apparel manufactured or sold pursuant to this paragraph shall be used for any purposes other than those for which it was so manufactured or sold, unless altered to conform to the provisions of this order, applicable to such other use.

(4) Adjustable lingerie for maternity wear.

(e) *General restrictions on the manufacture and sale of all articles of feminine lingerie.* Except as otherwise herein expressly provided, no person shall:

(1) Put into process or cause to be put into process by others for his account, any cloth for the manufacture of, or sell, or deliver any feminine lingerie with:

(i) More than one article of lingerie at one unit price.

(ii) [Deleted Oct. 21, 1946.]

(iii) [Deleted Oct. 30, 1945.]

(iv) [Deleted Oct. 21, 1946.]

(v) [Deleted Oct. 21, 1946.]

(vi) With any hem exceeding two inches.

(vii) [Deleted Oct. 21, 1946.]

(2) Sell or deliver at one unit price any articles of feminine lingerie which cannot be purchased from the manufacturers thereof at one unit price.

(f) *Curtailments on feminine lingerie.* No person shall put into process, or cause to be put into process by others for his account, any cloth for the manufacture of, or sell, or deliver any:

(1) Night gowns, as follows:

(i) With a separate or attached jacket, robe, sacque, negligee, fichu, shawl, cape, slip, chemise, teddy bear, mittens, cap, hood, hot water bottle cover, or shoes at a unit price.

(ii) Exceeding the measurements of Schedule A attached hereto.

(iii) [Deleted Oct. 21, 1946.]

(2) Slips, as follows:

(i) With a separate or attached pantie, brassiere, teddy bear, chemise, gown, robe, negligee, or housecoat at a unit price.

(ii) Exceeding the measurements of Schedule B, attached hereto, for daytime slips, or Schedule A, attached hereto, for evening slips.

(iii) [Deleted Oct. 21, 1946.]

(3) Petticoats, as follows:

(i) With a separate or attached pantie, brassiere, teddy bear, chemise, gown, robe, negligee, or housecoat at a unit price.

(ii) Exceeding the measurements of Schedule B attached hereto.

(iii) [Deleted Oct. 21, 1946.]

(4) Sleeping pajamas, as follows:

(i) With a separate or attached jacket, robe, sacque, negligee, hood, cap, mittens, belt, feet, or shoes at one unit price, except that one-piece pajamas may be made with attached feet in children's sizes (3, 4, 5, 6, 6X) and girls' sizes 7 and 8 only.

(ii) With a top exceeding measurements of Schedule C attached hereto.

(iii) With trousers exceeding measurements of Schedule C attached hereto, except one-piece pajamas with feet in children's sizes (3, 4, 5, 6, 6X) and girls' sizes 7 and 8 only.

(iv) [Deleted Oct. 30, 1945.]

(v) [Deleted Oct. 30, 1945.]

(g) *Appeals.* Any person who considers that compliance with any restriction of this order or its schedules, would work an exceptional or unreasonable hardship, may appeal for relief. The appeal shall be made by filing a letter in triplicate with the Textile Division, Civilian Production Administration, Washington 25, D. C., referring to the particular provision appealed from, and stating fully the grounds of the appeal.

(h) [Deleted Oct. 21, 1946.]

(i) *Reports and records.* All persons affected by this order shall execute and file with the Civilian Production Administration such reports and questionnaires as may be required by it from time to time.

(j) *Violations.* Any person who wilfully violates any provision of this order, or who in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 21st day of October 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE NO. A—MAXIMUM MEASUREMENTS FOR NIGHT GOWNS AND EVENING SLIPS

Women's sizes	32	34	36	38	40	42	44	46	48	50	52	54	56
Sweep	68	70	72	74	76	78	80	82	84	86	88	90	92
Length	54	54	54	54	54	55	55	55	55	55	55	55	55
Hem	1	1	1	1	1	1	1	1	1	1	1	1	1

Junior sizes	9	11	13	15	17	19
Sweep	65	66	68	70	72	74
Length	53	53	53	54	54	54
Hem	1	1	1	1	1	1

Teen age sizes and teen age chubby sizes	10	12	14	16
Sweep	64	66	68	70
Length	50	50	52	52
Hem	1	1	1	1

Girls' sizes and girls' chubby sizes	7	8	10	12	14
Sweep	51	53	56	60	64
Length	38	40	44	48	50
Hem	1	1	1	1	1

Children's sizes	3	4	5	6	6X
Sweep	43	45	47	49	51
Length	29	31	33	35	36
Hem	1	1	1	1	1

SCHEDULE NO. B—MAXIMUM MEASUREMENTS FOR SLIPS AND PETTICOATS

Women's sizes	32	34	36	38	40	42	44	46	48	50	52	54	56
Sweep	56	58	60	62	64	66	68	70	72	74	76	78	80
Hem	1	1	1	1	1	1	1	1	1	1	1	1	1

Junior sizes	9	11	13	15	17
Sweep	52	54	56	58	60
Hem	1	1	1	1	1

Girls' sizes and girls' chubby sizes	7	8	10	12	14
Sweep	46	48	50	52	54
Hem	1	1	1	1	1

Teen age sizes and teen age chubby sizes	10	12	14	16
Sweep	52	54	56	58
Hem	1	1	1	1

Children's sizes	3	4	5	6	6X
Sweep	38	40	42	44	46
Hem	1	1	1	1	1

SCHEDULE NO. C—MAXIMUM MEASUREMENTS FOR SLEEPING PAJAMAS

Women's sizes	32	34	36	38	40	42	44	46	48	50	52	54
Length top	23	24	25	26	27	28	28	28	28	28	28	28
Length trouser including waistband	40	40½	41	41½	42	42½	43	43½	44	44	44	44
Circumference for each trouser leg	22	23	24	25	26	27	28	30	30	30	30	30
Hem on coat and on trouser leg	1	1	1	1	1	1	1	1	1	1	1	1

Junior sizes	9	11	13	15	17
Length top	21	22	23	24	25
Length trouser including waistband	38½	39	39½	40	40½
Circumference for each trouser leg	22	22	22	23	24
Hem on coat and on trouser leg	1	1	1	1	1

Girls' regular sizes and girls' chubby sizes	7½, 7	8½, 8	10½, 10	12½, 12	14½, 14	16½, 16
Length all trousers	33	34	35	36	37	38
Length all tops	18	19	20	21	22	23
All hems	1	1	1	1	1	1
Circumference for each trouser leg for girls' regular sizes	18	19	20	21	22	23
Circumference for each trouser leg for girls' chubby sizes	21	22	23	24	25	26

Children's sizes	3	4	5	6	6X
Length trouser	24	26	28	30	32
Length top	14	15	16	17	18
Circumference for each trouser leg	17	17	17	17	18
Hem	1	1	1	1	1

[F. R. Doc. 46-19060; Filed, Oct. 21, 1946; 11:30 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Limitation Order L-118 as Amended Oct. 21, 1946]

FEMININE LOUNGING WEAR AND CERTAIN OTHER GARMENTS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of textiles, clothing and other materials for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3290.16 *General Limitation Order L-118*—(a) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(b) *Definitions.* For the purpose of this order:

(1) "Women's" means lounging wear of sizes 36, 38, 40, 42, 44, 46, 48, 50, 52.

(2) "Misses" means lounging wear of sizes 10, 12, 14, 16, 18, 20.

(3) "Junior misses" means lounging wear of sizes 9, 11, 13, 15, 17.

(4) "Teen age" means lounging wear of sizes 10, 12, 14, 16.

(5) "Girls" means lounging wear of sizes 7, 8, 9, 10, 12, 14.

(6) "Children's" means lounging wear of sizes 2, 3, 4, 5, 6.

(7) [Deleted Oct. 21, 1946.]

(8) "Feminine lounging wear" means women's and children's robes, bathrobes, housecoats, negligees, brunch coats, demi-housecoats, beach coats, and lounging pajamas.

(9) "Lounging pajama" means a one or two piece garment with trouser leg worn by women and children for informal indoor wear.

(10) "Put into process" means the first cutting operation in the manufacture of any lounging wear for sale, resale or on commission, including but not being limited to cutting by manufacturers to the trade, tailors, and home dressmakers.

(11) Measurements. Particular measurements set forth in this order shall refer to finished measurements after all manufacturing operations have been completed and the garment is ready for shipment, as follows:

(i) All measurements for length of robes, bathrobes, housecoats, brunch coats, beach coats, demi-housecoats, negligees and pajama tops for all sizes and ranges are from nape of neck to bottom of finished garment. No garment shall exceed the maximum length herein prescribed at any point in its circumference.

(ii) All measurements for lounging pajama trousers are to be outseam overall measurements, including turn-up and waist band.

(12) "Sweep" means amount of material in circumference of the garment.

(13) "Unusual height" means 5'8½" or more without shoes.

(14) "Abnormal size" means the size of any person requiring feminine lounging wear with measurements exceeding the maximum schedule attached hereto.

(15) [Deleted Oct. 21, 1946.]

(16) Unless otherwise expressly defined, all terms shall have their usual trade meaning.

(c) [Deleted Oct. 30, 1945.]

(d) *General exceptions.* The prohibitions and restrictions of this order shall not apply to lounging wear manufactured or sold for use as:

(1) Infants' and toddlers' size ranges 1 to 3.

(2) Lounging wear for persons who, because of unusual height, abnormal size, or physical deformities, require additional material for proportionate length or sweep of robe, bathrobe, housecoat, negligee, or lounging pajama.

(3) Historical costumes for theatrical productions: *Provided, however,* That no feminine apparel manufactured or sold pursuant to this paragraph shall be used for any purpose other than those for which it was so manufactured or sold, unless altered to conform to the provisions of this order, applicable to such other use.

(e) *General restrictions on the manufacture and sale of all articles of feminine lounging wear.* Except as otherwise herein expressly provided, no person shall:

(1) Put into process or cause to be put into process by others for his account, any cloth for the manufacture of, or sell, or deliver any lounging wear:

(i) [Revoked January 20, 1943.]

(ii) With a sleeping pajama, nightgown, slip, or any kind of accessory at a unit price.

(iii) [Deleted Oct. 21, 1946.]

(iv) [Deleted Oct. 30, 1945.]

(v) Whose body fabric has been reduced from normal width or length by all-over shirring, tucking, or pleating, except on skirts when the sweep before shirring, tucking or pleating does not exceed the prescribed sweep of that particular size.

(vi) [Deleted Oct. 21, 1946.]

(vii) With a hem at bottom of garment exceeding one inch.

(iii) [Deleted Oct. 21, 1946.]

(ix) [Revoked January 20, 1943.]

(2) Sell or deliver at one unit price any articles of feminine lounging wear which cannot be purchased from the manufacturers thereof, at one unit price.

(3) Change any garment from its manufactured size marking to denote a different size range.

(f) *Curtailment on women's and children's lounging wear.* No person shall after May 25, 1942, put into process or cause to be put into process for his account, any cloth for the manufacture of, and no person shall sell or deliver any:

(1) Robe, bathrobe, negligee, housecoat, or beach robe as follows:

(i) Exceeding measurements of Schedule A attached hereto, except that robes, bathrobes, negligees and housecoats made for maternity wear may have a sweep of 94 inches for a size 36, other sizes and variations in normal proportion, with a maximum allowance of 2 inches for each size.

(ii) [Deleted Oct. 30, 1945.]

(2) Lounging pajamas, as follows:

(i) Exceeding measurements of Schedule B.

(ii) With a separate or attached belt of self or any contrasting material at a unit price.

(g) *Appeals.* Any person who considers that compliance with any restriction of this order or its schedules would work an exceptional or unreasonable hardship may appeal for relief. The appeal shall be made by filing a letter in triplicate with the Textile Division, Civilian Production Administration, Washington 25, D. C., referring to the particular provision appealed from, and stating fully the grounds of the appeal.

(h) [Deleted Oct. 21, 1946.]

(i) *Reports and records.* All persons affected by this order shall execute and file with the Civilian Production Administration such reports and questionnaires as may be required by it from time to time.

(j) *Violations.* Any person who wilfully violates any provision of this order, L–118, or who, in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 21st day of October 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

MAXIMUM MEASUREMENTS FOR WOMEN'S AND CHILDREN'S ROBES, BATHROBES, NEGLIGEES AND HOUSECOATS

SCHEDULE A

NOTE: Item "Sleeve circumference" deleted Oct. 21, 1946.

Misses' sizes	10	12	14	16	18	20
Length	54	54	54	54	54	54
Sweep	74	75	76½	78	79½	81½
Any hem	½	½	½	½	½	

NOTE: Item "Sleeve circumference" deleted Oct. 21, 1946.

Women's sizes	36	38	40	42	44	46	48	50	52	54
Length	55	55	55	55	55	55	55	55	55	55
Sweep	78	80	82	84	86	88	90	92	94	96
Any hem	½	½	½	½	½	½	½	½	½	½

MAXIMUM MEASUREMENTS FOR WOMEN'S AND CHILDREN'S ROBES, BATHROBES, NEGLIGEES AND HOUSECOATS—Continued

SCHEDULE A—Continued

NOTE: Item "Sleeve circumference" deleted Oct. 21, 1946.

Junior misses' sizes	9	11	13	15	17
Length	53	53	53	53	53
Sweep	74	75	76½	78	79½
Any hem	½	½	½	½	½

Teen age sizes	10	12	14	16
Length	50	51	52	53
Sweep	62	66	68	70
Any hem	½	½	½	½

Girls' sizes	7	8	10	12	14
Length	40	42	44	46	48
Sweep	46	48	52	56	60
Any hem	½	½	½	½	½

Children's sizes	3	4	5	6	6X
Length	30	32	34	36	38
Sweep	41	42	43	44	45
Any hem	½	½	½	½	½

MAXIMUM MEASUREMENTS FOR WOMEN'S AND CHILDREN'S LOUNGING PAJAMAS

SCHEDULE B

NOTE: Item "Sleeve circumference" deleted Oct. 21, 1946.

Misses' sizes	10	12	14	16	18	20
Length top of two-piece pajama	22	23	24	25	26	27
Length trouser from top of waist band and including turn-up at bottom	43	43½	44	44½	45	45½
Circumference of each trouser leg	18	18½	19	19	19½	20
Hem of top	½	½	½	½	½	½

NOTE: Item "Sleeve circumference" deleted Oct. 21, 1946.

Junior misses' sizes	9	11	13	15	17
Length top of two-piece pajama	21	22	23	24	25
Length trouser from top of waist band and including turn-up at bottom	42½	43	43½	44	44½
Circumference of each trouser leg	18	18½	19	19	19½
Hem of top	½	½	½	½	½

Women's sizes	36	38	40	42	44	46	48
Length top of two-piece pajama	26	27	27	28	28	28	28
Length trouser from top of waist band and including turn-up at bottom	45	45½	46	46½	46½	46½	46½
Circumference of each trouser leg	20	21	22	22	23	23	23½
Hem of top	½	½	½	½	½	½	½

Girls' sizes	7	8	10	12	14	16
Length top of two-piece pajama	18	19	20	21	22	23
Length trouser from top of waist band and including turn-up at bottom	32	33	36½	39	40	41½
Circumference of each trouser leg	17¼	17½	18	18¾	18½	18¾
Hem of top	½	½	½	½	½	½

MAXIMUM MEASUREMENTS FOR WOMEN'S AND CHILDREN'S LOUNGING PAJAMAS—Con.

SCHEDULE B—continued

Children's sizes	3	4	5	6	6X
Length top of two-piece pajama	14	15	16	17	18
Length trouser from top of waist band and including turn-up at bottom	23	24½	26	27½	28
Circumference of each trouser leg	15½	15¾	16	16¼	16½
Hem of top	½	½	½	½	½

[F. R. Doc. 46–19061; Filed, Oct. 21, 1946; 11:30 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–983, Stay of Execution]

APEX BATTERY MFG. CO.

Bernard Sweet, Herman J. Jaffe and Frank Butler, partners, doing business as Apex Battery Manufacturing Company, 4714–16 West Kinzie Street, Chicago, Illinois, have appealed from the provisions of Suspension Order No. S–983, issued October 10, 1946, and have requested a stay on the ground that irreparable harm would be done their business if the Suspension Order were not stayed. The Chief Compliance Commissioner has directed that the provisions of the Suspension Order be stayed pending final determination of the appeal or until further order by the Chief Compliance Commissioner: *Provided,* That no more than one-third of their quota shall be used in any one month.

In view of the foregoing:

It is hereby ordered, That: The provisions of Suspension Order No. S–983, issued October 10, 1946, are hereby stayed: *Provided,* That no more than one-third of the quota shall be used in any one month, pending final determination of the appeal or until further order by the Chief Compliance Commissioner.

Issued this 21st day of October 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46–19059; Filed, Oct. 21, 1946; 11:30 a. m.]

Chapter XI—Office of Price Administration

PART 1304—IRON AND STEEL SCRAP

[MPR 4, Interpretation of Amdt. 8]

MISCELLANEOUS INTERPRETATIONS

The following are new interpretations of Amendment 8 of Maximum Price Regulation No. 4:

Consumer who operates both open hearth and electric furnaces. Question: Where a consumer operates both open hearth and electric furnaces, may he purchase electric furnace grades of scrap sufficient to meet the requirements of his electric furnaces without an allocation order from the Civilian Production Administration?

Answer: Yes. Section 3 (b) (1) of Maximum Price Regulation No. 4, as amended, restricts the use of electric furnace scrap for basic open hearths and blast furnaces only.

Sales of unprepared scrap to dealers. Question: Does Maximum Price Regulation No. 4, as amended, now fix maximum prices for unprepared iron and steel scrap in all sales to dealers?

Answer: No. Maximum prices are now established by virtue of Amendment 8 for sales of unprepared scrap to any person, including a dealer, by an industrial producer or government or governmental agency. Maximum prices for sales of unprepared scrap by any person to a consumer or his broker have always been, and continue, to be fixed under Maximum Price Regulation No. 4 as a result of the first paragraph of Section 1. Other sales of unprepared scrap to dealers are still exempt from the terms of Maximum Price Regulation No. 4.

Maximum prices for unprepared scrap. Question: Is the maximum price for unprepared scrap sold to a consumer or his broker 50 cents less in all cases than the maximum price for unprepared scrap sold to any other person?

Answer: Yes. In all cases where maximum prices are fixed for unprepared scrap, that price shall be 50 cents per gross ton less in sales to consumers and their brokers, than in sales to any other person. (See section 20 (b), (c) and (d), as amended).

Sale of scrap before September 10, 1946, the effective date of Amendment 8, and delivery after September 10, 1946. Question: Where there has been a sale of scrap prior to the effective date of Amendment 8, and delivery thereafter, must the terms of the sale be in conformity with Amendment 8?

Answer: Yes. Amendment 8 cuts across all existing contracts.

Railroad scrap. Question: Does the restriction in the use of electric furnace scrap set out in section 3 (b) (1), as amended, apply to railroad scrap?

Answer: No. The restriction applies only to grades 14, 15, 16, 17, 18, 19 and 20, none of which are railroad scrap.

Machine shop turnings. Question: Is the grade "machine shop turnings" a prepared grade of scrap?

Answer: Yes. This grade is established as a prepared grade, since the material in question may be used without further preparation.

Remote unprepared scrap. Question: Where remote unprepared scrap is purchased by a consumer or his broker for preparation in transit, is the maximum price which the consumer or his broker may pay for the unprepared remote material 50 cents per gross ton less than the maximum price which may be paid by a dealer?

Answer: Yes. Section 20 (b), (c) and (d) provide, in effect, that in all sales of unprepared scrap where the maximum price is fixed, the maximum prices which a consumer or his broker may pay is 50 cents per gross ton less than the maximum price which a dealer may pay.

Unprepared railroad scrap. Question: Where unprepared railroad scrap is purchased by a consumer or his broker, is the maximum price which the consumer of his broker may pay for the material 50 cents per gross ton less than the maximum price which a dealer may pay?

Answer: Yes.

Mixed lots of unprepared scrap. Question: Where a lot of unprepared scrap is mixed and includes items other than iron and steel scrap, such as reusable material, how is the maximum price for the lot determined?

Answer: If there is no segregation, the maximum price of the entire lot is that price established in Maximum Price Regulation No. 4 for the lowest grade in the mixture. The mixed shipment provision, section 18, governs this question.

Sales of unprepared scrap by dealers. Question: Does Maximum Price Regulation No. 4, as amended, now fix maximum prices for all sales of unprepared scrap by dealers?

Answer: No. Only sales of unprepared scrap by dealers to consumers or their brokers are controlled. This has always been the case under Maximum Price Regulation No. 4; Amendment 8 made no change in this situation. Sales from dealer to dealer are, therefore, still uncontrolled.

Issued this 26th day of September 1946.

JONATHAN B. RICHARDS,
Associate General Counsel.

[F. R. Doc. 46-18948; Filed, Oct. 21, 1946; 8:51 a. m.]

PART 1305—ADMINISTRATION

[SO 162, Interpretation of Appendix A and Sec. 3 (b)]

INTERPRETATION OF MAXIMUM PRICES FOR SLIPPERS

The following is a new interpretation of Appendix A and section 3 (b) of Supplementary Order 162:

Adjusted maximum prices. In determining an adjusted maximum price for manufacturers' sales of house slippers priced above $2.60, the cents per pair increase under Appendix A and under Step 4 of section 3 (b) is 26 cents, representing 10 percent of the net cut-off price for that category of footwear.

Issued this 18th day of September 1946.

JONATHAN B. RICHARDS,
Associate General Counsel.

[F. R. Doc. 46-18943; Filed, Oct. 21, 1946; 8:49 a. m.]

PART 1305—ADMINISTRATION

[SO 129, Interpretation of Sec. 16 (b)]

INTERPRETATION OF RUBBER FOOTWEAR

The following is a new interpretation of section 16 (b) of Supplementary Order 129:

Rubber footwear. Section 16 (b) of Supplementary Order 129, as amended by Amendment 46, decontrols rubber footwear. Rubber footwear, as used therein, means footwear in which the rubber bottoms are attached to the uppers by a vulcanizing process and includes canvas and casual footwear as well as waterproof rubber footwear in which the bottoms and uppers are attached by such process. If the rubber bottoms are attached to the uppers by any method other than by a vulcanizing process, such footwear is not rubber footwear within the meaning of Amendment 46 and consequently is not decontrolled.

Issued this 25th day of September 1946.

JONATHAN B. RICHARDS,
Associate General Counsel.

[F. R. Doc. 46-18945; Filed, Oct. 21, 1946; 8:50 a. m.]

PART 1340—FUEL

[RMPR 122, Interpretation of § 1340.265 (b)]

SALES TAX INCLUDED IN SELLING PRICE

The following is a new interpretation of § 1340.265 (b) of Revised Maximum Price Regulation No. 122:

Sales tax included in selling price; whether relief may be granted for increased tax due to higher selling price. Section 1340.265 (b) of Revised Maximum Price Regulation No. 122 provides for the collection of taxes or increases in taxes which become effective after December 1941. A question arises as to whether relief may be granted to dealers who during the base period included sales taxes in their prices and did not state such taxes separately and now pay a greater amount of tax, by reason of increased selling prices, although the tax basis has not been increased.

It has been concluded that the maximum prices may not be increased to include the increased taxes paid since the tax basis has not been increased. The amount of tax may, however, be considered an element of cost in the case of an application for individual adjustment.

Issued this 3d day of October 1946.

JONATHAN B. RICHARDS,
Associate General Counsel.

[F. R. Doc. 46-18946; Filed, Oct. 21, 1946; 8:50 a. m.]

PART 1389—APPAREL

[MPR 572 and MPR 605, Interpretation of Appendix D (b) (1) (ii)]

TRIAL CUTTING

The following is a new interpretation of Appendix D (b) (1) (ii) of Maximum Price Regulation No. 572 and Maximum Price Regulation No. 605:

Trial cutting. Step 2 refers to the use of a "trial cutting" to determine the average amount of each type of material to be used in manufacturing the item. A manufacturer's "trial cutting" is the first cutting made in a similar manner, on a similar basis and under similar conditions to those in which his actual cuttings are ordinarily made. The purpose of a trial cutting is to determine a yardage figure for an item in advance of actual cuttings which would most closely approximate the actual amount of body material consumed in fabricating that

item. For example, if a manufacturer ordinarily cuts an average size range of an item by using two or more markers for each complete cutting, then a trial cutting of such an item be made with two or more markers. If cuttings will be made of various width fabrics, then the trial cutting must be made of fabrics most representative of the widths to be used.

Issued this 3d day of October 1946.

JONATHAN B. RICHARDS,
Associate General Counsel.

[F. R. Doc. 46-18941; Filed, Oct. 21, 1946; 8:48 a. m.]

PART 1375—EXPORT PRICES

[3d Rev. Maximum Export Price Reg., Amdt. 3]

EXPORT PRICES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

The 3d Revised Maximum Export Price Regulation is amended in the following respects:

1. Section 3 (a) (1) is amended to read as follows:

(1) (i) Take the basic maximum price applicable on a current domestic sale by any one of the following:

(a) By the producer of the commodity to that exporter if a maximum price to an exporter is provided specifically by regulation, otherwise by the producer to a primary wholesaler (with discount reductions as required), or

(b) If the commodity was at any time purchased from a United States Government Surplus Disposal Agency, by that agency to that exporter, or

(c) If the same class of commodity was purchased for export by the exporter from a class of seller other than a producer prior to December 31, 1940, by that class of seller to that exporter, or

(d) By a person as provided in Appendix A;

(ii) Add the amount of subsidy or benefit allowed in section 4 (b);

(iii) Add the markup allowed in section 6 or optionally according to the methods of application or limitations specified under section 24 or any order issued under section 7;

(iv) Add the actual export costs incurred if allowed in section 4 (a);

(v) Subtract the deductions required in section 5; or, alternately,

2. Section 6 (b) (1) (iv) is amended by adding the following: "unless a blanket license is issued to the foreign purchaser or his agent, or otherwise, by requirement of the Governmental agency authorized to isssue licenses."

3. Section 24 is amended to read as follows:

SEC. 24. *Method of applying specific commodity export markups by merchant-exporters.* If the export sale, except on a sale to a purchaser in Canada, is by an exporter other than the producer (merchant-exporter) of a commodity of a kind or category listed in the table below the exporter may, at his option, instead of using a markup as determined under section 6 (c) (1) (i) apply a markup as shown in the table below, provided, however:

(a) Such markup shall be added to the basic maximum price applicable to a current domestic sale by the producer or by the United States Government Surplus Disposal Agency to the exporter, unless specially provided otherwise in the table.

(b) Where markups are provided for any commodity in a used or reconditioned state such markup shall be applied to the maximum price applicable on a sale of such used or reconditioned commodity to the exporter.

(c) The markup set out for a specific kind of commodity in the table shall be applied rather than the markup set out for a group or category of commodities into which the specific commodity might be classed.

Such markups are as follows:

TABLE

Commodity	Export markup (need not be less than $20)	Special provisions
	Percent	
All commodities purchased from a wholesaler, jobber or purchaser from a U. S. Government Surplus Disposal Agency except those for which a markup of less than 5% is specified in this table and unless the commodity is otherwise specifically named in this Appendix in which case the export markup specifically provided may be applied optionally.	5	Markup can only be added to the maximum sale price to the exporter by the seller thereof.
Advanced steel manufacturers, such as bolts and nuts, forgings, screws, railroad switches, welding rods.	15	
Automotive vehicles, new and used	10	
Bags, fabric:		
Reconditioned, if bought from reconditioner.	15	
Used, as is	10	
Beverages, all	10	
Building materials, new and used (except lumber).	15	
Cement	10	
Chemicals, fine and pharmaceutical	20	
Chemicals, industrial, including paraffin wax and fatty acids.	18	
Cord, twine, rope	10	
Foods:		
Dried beans and peas	8	
Dried, all other	12	
Frozen or dehydrated	18	
All other, not elsewhere specified	15	
Hops	40	
Glass, window, plate, etc	20	
Leather	15	
Machinery, such as electric motors, gas engines, construction equipment, rolling stock—new and used.	15	
Machinery parts, new and used	20	
Manufactured end products, new and used, not elsewhere specified (see definition).	20	
Nonferrous mill products, such as rods, bars, wire, sheets, tubes.	10	
Nonferrous metals	8	
Office machines, such as typewriters, calculators, etc., new and used.	15	
Oils, edible	3	On sales of over 50 long tons.
	8	On sales of 50 long tons or less. No markup applicable on sales of edible oils where exporter purchases from other than producer.
Paper:		
Newsprint	10	On carload lots—40,000 lbs. or more.
	20	On less than carload lots.
Wastepaper	10	
All other	20	
Petroleum products, including petroleum coke.	12½	
Plastics	20	
Plywood	15	
Primary forest products (unmanufactured woods as classified under U. S. Dept. of Commerce Statistical Classification of Domestic and Foreign Commodities Schedule B).	10	
Pulpwood	7	On sales to Cuba.
	12	On sales to all other destinations.
Rags, all kinds	10	Markup may be applied to maximum price applicable on sale to exporter.
Rubber tires and tubes, new and used	15	
Shortening	8	
Textile piece goods: Cotton or artificial fiber—containing 75% by weight of cotton or artificial fiber or mixtures thereof.	25	
Woolen or worsted—containing 25% or more by weight of wool.	20	
Trailers, new and used	10	
Wearing apparel:		
New	18	
Reconditioned, if bought from reconditioner.	15	
Used, as is	10	
Wood pulp	7	On sales to Cuba.
	12	On sales to all other destinations.
Yarns, all	15	

NOTE: No part of the above markups may be paid by the exporter to the supplier of the commodity to be exported.

4. The introductory paragraph to section 25 is amended to read as follows:

SEC. 25. *Specific commodity maximum price formulas.* The maximum prices on export sales for the commodities listed in the tables below, as provided by section 8, supersede those maximum prices computed under section 3, paragraphs (a) (1) and (b). Such maximum prices shall be computed as follows:

5. Section 25, Table 1, is amended by amending that portion of the table before the paragraph beginning with the heading "Qualifications for markups" to read as follows:

TABLE 1—COAL, BRIQUETTES AND COKE

The maximum prices for export sales to purchasers in all areas except Canada and for sales to purchasing missions of foreign governments of the solid fuels specified below shall be determined for the types of sellers named below by taking the basic price specified below and adding markups and expenses as provided below:

a. Coal and briquettes.

Type of seller	Basic price	Markup per net ton of 2,000 lbs.
		Cents
Producer	Exporter's maximum domestic price for the particular type or grade of solid fuel as established by MPR 112, MPR 120 or MPR 121.	40
Merchant-exporter or producer buying and reselling for his own account.	Maximum domestic price applicable to a current sale of the solid fuel to the exporter as established by MPR 112, MPR 120, MPR 121 or RMPR 122.	60

b. Coke, other than petroleum coke.

Type of seller	Basic price	Size of shipment	Markup per net ton of 2,000 lbs.	Total markup need not be less than—
Producer	Exporter's maximum domestic price for the coke to be shipped as established by MPR 29 and MPR 77.	Less than 50 tons	$2.50	
		51 to 100 tons	1.50	$125.00
		101 to 250 tons	1.25	150.00
		251 to 500 tons	1.00	312.50
		501 to 750 tons	.75	500.00
		751 to 1,000 tons	.60	562.50
		Over 1,000 tons	.35	600.00
Merchant-exporter or producer buying and reselling for his own account.	Maximum domestic price applicable to a current sale of the coke to the exporter as established by MPR 29 and MPR 77.	Less than 50 tons	3.00	
		51 to 100 tons	2.00	150.00
		101 to 250 tons	1.75	200.00
		251 to 500 tons	1.50	437.50
		501 to 750 tons	1.25	750.00
		751 to 1,000 tons	1.00	937.50
		Over 1,000 tons	.75	1,000.00

Additions. 1. If the contract of sale stipulates that railroad demurrage charges shall be for the account of the exporter and not charged to the buyer outside the continental United States add 15 cents per net ton for coal or briquettes and 30 cents per net ton for coke to the above markups.

2. On sales of coal or briquettes of less than 2000 net tons, add 10 cents per net ton, to the above markups.

3. If solid fuel is bagged for shipment:

a. For coal or briquettes add in lieu of all other markups under this table the following:

Number of net tons	Markup per net ton of 2,000 lbs.	Total markup need not be less than
1 to 50	$3.00	
51 to 100	2.00	$150.00
101 to 250	1.50	200.00
251 to 500	1.00	375.00
Over 500	.80	500.00

b. For coke, add 50 cents per net ton and actual costs of bags or bagging operation.

4. Add actual export expenses incurred as determined under section 4 if not included in above.

6. Section 25, Table 1, is amended by amending the first numbered sentence under the heading "Qualifications for markups" to read as follows:

1. Inspects or arranges for inspection of fuel at mines, plant or at dock.

7. Section 25 is amended by adding the following new table after Table 4:

TABLE 4A—HOSIERY

The maximum prices for export sales to purchasers in all areas except Canada of hosiery shall be determined for the type of seller named below by taking the applicable basic price specified below and adding the markup and expenses shown below:

Type of seller	Basic price	Markup
		Percent
Producer	Exporter's maximum domestic price applicable on a sale to a domestic purchaser similar to his foreign purchaser as determined under GMPR, SO 139, RSO 154, MPR 157, MPR 210, MPR 339 or MPR 602.	10

Add actual export expenses incurred as determined under section 4.

8. Section 25, Table 7, is amended to read as follows:

TABLE 7—LUMBER—CERTAIN TYPES

The maximum price for export sales of certain types of lumber, the domestic prices for which are established under RMPR 97, MPR 146, MPR 155, RMPR 217, MPR 223 and MPR 368, shall be determined for any seller by taking the applicable basic price specified below and adding the markups and expenses shown below:

Type of seller	Basic price	Mark-up
Any person	Maximum price, f. o. b. mill, applicable under RMPR 97, MPR 146, MPR 155, RMPR 217, MPR 223 and MPR 368.	To Cuba—20% of basic price; all other destinations (except Canada) 25% of basic price.

Add actual export expenses incurred as determined under section 4.

9. Section 25 is amended by adding the following new table after Table 8:

TABLE 8A—RADIOS, PHONOGRAPHS, RADIO-PHONOGRAPHS AND SOUND REPRODUCING EQUIPMENT

The maximum prices for export sales to purchasers in all areas except Canada of radios, phonographs, radio-phonographs and sound reproducing equipment shall be determined for the type of seller named below by taking the applicable basic price shown below and adding the markup and expenses and making the deductions shown below:

Type of seller	Basic price	Markup
		Percent
Producer	Exporter's maximum domestic price applicable on a sale to a domestic purchaser similar to his foreign purchaser as determined under MPR 188 and MPR 599.	15

Additions. Add actual export expenses incurred as determined under section 4.

Deductions. Make the deductions required under section 5.

This amendment shall become effective October 26, 1946.

Issued this 21st day of October 1946.

PAUL A. PORTER,
Administrator.

Statement of the Considerations Involved in the Issuance of Amendment No. 3 to 3d Revised Maximum Export Price Regulation

The accompanying amendment provides additional automatic methods for determining maximum export prices, adding a number of specific commodities to the price computation tables in the appendices.

Appendix A, which sets out specific commodity export markups to be used in computing maximum prices by merchant-exporters alternatively instead of the markups determined under section 6 (c) (1) (i) except on sales to Canada, is amended by providing specific markups for additional commodities. These commodities are: building materials, dried beans and peas, certain foods, glass, plywood, primary forest products, rags, trailers, used bags, wastepaper, woolen piece goods and used and reconditioned wearing apparel.

The markups listed for the above commodities are based upon factual information developed by the Office of Price Administration through examination and analysis of many export licenses, numerous trade meetings, surveys of trade practices and consultations with trade representatives. They represent, as far as has been ascertainable, average base period practice in the export trade of the particular commodity listed, adjusted by an increase of 25% of such markup which reflects increases in costs as justified in prior Statements of Considerations. Generally, they are in line with markups allowed to comparable distributors on the domestic market, bearing in mind the additional risks and overhead expenses incident to export distribution and provide average

percentage markups over average costs of acquisition not less than those allowed in the trade on March 31, 1946. These markups may be used by sellers without base period pricing experience (new sellers) and may also be used optionally by sellers with base period pricing experience.

The introductory paragraph describing the method for computing maximum prices for merchant-exporters under Appendix A is rewritten in greater detail more definitely setting out three requirements for computing prices under this appendix. First, it provides that the markups shall be added only to the basic maximum price applicable to a current domestic sale by the producer or by the United States Government Surplus Disposal Agency to the exporter, unless otherwise specified in the table. Secondly, it provides that where markups are provided for any commodity in a used or reconditioned state (used wearing apparel, used bags, etc.) such markups shall be applied to the maximum price applicable on a sale of such used or reconditioned commodity to the exporter. An exporter of a reconditioned commodity who purchased the commodity "as is" and then reconditions it would not be qualified for any of the markups under Appendix A as such an exporter would be regarded as a producer rather than a merchant-exporter. Thirdly, it provides that a markup listed for a specific commodity supersedes a markup listed for a general category into which such specific commodity is embraced.

Appendix B, which provides specific export pricing formulas for certain types of commodities and which supersedes the formulas under section 3, paragraphs (a) (1) and (b), is amended by adding several new commodity automatic pricing formulas. Table 1, on coal, is amended to include briquettes and coke, other than petroleum coke. In line with the American policy of supplying as much solid fuel as can be spared to European countries to meet their current winter needs, briquettes and coke will likewise be shipped in substantial quantities to such areas. The considerations which prompted the issuance of Amendment 1 to the 3d Revised Maximum Export Price Regulation by which specific qualifications for adding markups for export sales of coal, as well as sales to purchasing missions of foreign governments, exist for such sales of briquettes and coke. The reasons for such provisions, as described in the Statement of Considerations accompanying the issuance of the 3d Revised Maximum Export Price Regulation and Amendment No. 1 thereto are incorporated herein by reference.

With respect to mark-ups under Table 1, it has been determined by the Administrator that exporters have historically applied the same export mark-ups for briquettes as for other forms of coal. However, with respect to coke the export mark-ups are substantially different. Coke is generally shipped in much smaller quantities than coal. The amount of the mark-ups were determined after consultation with and approval by representatives of the trade and represent 125% of normal base period mark-ups. Where railroad demurrage charges are assumed, the exporter may add 30 cents per net ton for coke, rather than 15 cents per net ton, as provided for coal and briquettes. This difference is because of the much greater demurrage risks involved in shipping coke. When coke is bagged for shipment, it is found that the exporter should be permitted to add 50 cents per net ton and actual costs of bags or bagging operation.

Table 7, establishing specific maximum price formulas for export sales of certain types of lumber is amended to include in the formula export sales of Northern and Northeastern hardwood lumber, the domestic prices for which are established under Maximum Price Regulations 223 and 368. The omission of such lumber from the table prior to this amendment was because comparatively only a small quantity of such lumber was exported. The mark-ups listed are equally applicable to export sales of such lumber. The table is accordingly amended to include such lumber.

A new table is added to provide a formula for computing maximum prices on export sales by producers of hosiery. It provides that the exporter may add a 10% markup to his maximum domestic price for the same type of sale. A new table is added to provide a formula for computing maximum prices on export sales by producers of radios, phonographs, radio-phonographs and sound reproducing equipment. It provides that the exporter may add a markup of 15% to his maximum domestic price for the same type of sale. Export sales to purchasers in Canada are excluded from both formulas. The amounts of the markups, as well as the exception of any markup on sales to Canada, were determined after consultation with and approval by representatives of the trade. The markups allowed represent 125% of the base period markups and provide average percentage markups over average costs of acquisition not less than those allowed in the trade on March 31, 1946.

One of the qualifications for an export markup heretofore described under section 6 (b) states that an exporter must obtain an export license (where one is required) in his own name properly identifying the commodity to be exported. There are situations where an exporter cannot obtain an export license in his own name. Export authorizations are issued to foreign purchasers as blanket licenses rather than to American exporters. For sales of certain commodities in certain areas, licenses are issued almost entirely to the foreign purchasers rather than to the exporters. In making such export sales it is not possible for an exporter to obtain an export license in his own name. Accordingly, this provision is amended so that the qualification for an export markup now requires, among other things, an exporter to obtain an export license (where one is required) in his own name unless a blanket license is issued to the foreign purchaser or his agent or otherwise, by requirement of the governmental agency authorized to issue licenses.

Provision is made by this amendment under section 3 (a) (1) for two additional basic price formulas for computing maximum export prices by merchant-exporters. For sales of "surplus goods," an exporter may take the basic maximum price applicable to a current sale of such surplus goods by a United States Government Surplus Disposal Agency to that exporter. The other basic price is if the same class of commodity was purchased for export by the exporter from a class of seller other than a producer prior to December 31, 1940, the exporter may use the maximum price applicable to a current domestic sale to him of such commodity by such class of seller. These additional basic prices will facilitate computation of prices for export sales of commodities acquired in such manner in the 3d Revised Maximum Export Price accordance with the original intent of Regulation.

Certain other minor changes in wording are effected by this amendment which the mere reading shows as obviously in conformity with the intent explained by the statement of considerations accompanying the 3d Revised Maximum Export Price Regulation.

The accompanying amendment is found by the Price Administrator to be generally fair and equitable and to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and the Executive orders of the President.

[F. R. Doc. 46-19062; Filed, Oct. 21, 1946; 11:39 a. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

[MPR 594, Interpretation of Sec. 10a, and MPR 610, Interpretation of Sec. 10 (g) (4)]

CHARGE FOR RETAIL HANDLING

The following is a new interpretation of section 10a of Maximum Price Regulation No. 594 and section 10 (g) (4) of Maximum Price Regulation No. 610:

Charge for retail handling; dealer who was not in business during base period. A dealer who was not in business during the base period may not use his predecessor's records in establishing higher handling charges under section 10a of Maximum Price Regulation No. 594 or section 10 (g) (4) of Maximum Price Regulation No. 610. Such a dealer is confined to the amounts for preparing and conditioning in the applicable passenger car order or, in the case of trucks, to the amounts provided in section 10 (g) (1) of Maximum Price Regulation No. 610.

Issued this 11th day of October 1946.

JONATHAN B. RICHARDS,
Associate General Counsel.

[F. R. Doc. 46-18942; Filed, Oct. 21, 1946; 8:49 a. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 580, Interpretation of Appendix C]

PRICING OF FURNITURE SUITES AND INDIVIDUAL PIECES

The following is a new interpretation of Appendix C of Maximum Price Regulation No. 580:

Pricing of furniture suites and individual pieces. A retailer has in his store a matched grouping of five pieces of wooden bedroom furniture, all made by the same manufacturer.

Question: If he wishes to sell the grouping at a unit price, offering no piece separately, under what category does he price the grouping?

Answer: Category 701, the category for wood bedroom suites.

Question: If the retailer wishes to offer the pieces separately, under what category or categories does he price?

Answer: Each piece is priced under the category in which that article is listed.

Question: If he offers three of the pieces as a suite, and two of the pieces individually, under what category or categories does he price?

Answer: The three piece suite is priced under the suite category and each of the other two pieces is priced under the category in which the piece is listed.

Question: If the retailer offers all the pieces in the grouping individually, or offers three pieces as a suite and each of the other two pieces individually, may he tag the grouping of five pieces with a single price? If so, what price?

Answer: He may, for the convenience of the customer, add up the total of the ceiling prices of the individual pieces (where he offers each individual piece separately) or the total of the three piece suite ceiling price and each of the two individual piece ceiling prices (where he offers the three piece suite and the other two pieces separately) and tag the grouping with the appropriate aggregate price. Of course, he may offer the grouping for less than whatever aggregate price applies. If, however, he offers the pieces in the grouping individually, or offers the three piece suite at a unit price only, and the other two pieces at their individual prices, he may not charge a customer buying the entire group of five pieces a price derived through pricing the five piece grouping under the suite category if that price is higher than the appropriate aggregate in either case.

Issued this 25th day of September 1946.

JONATHAN B. RICHARDS,
Associate General Counsel.

[F. R. Doc. 46-18947; Filed, Oct. 21, 1946; 8:50 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 373, Amdt. 114 (§ 1418.151)]

CONSTRUCTION AND REPAIR SERVICES AND SALES OF INSTALLED BUILDING MATERIALS IN HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 69 of Revised Maximum Price Regulation 373 is amended in the following respects:

1. The headnote is amended to read as follows: *Construction and repair services and sales of installed building materials in the Territory of Hawaii.*

2. In paragraph (a) (1) (i) and (ii), the phrase "in the Territory of Hawaii" is substituted for the phrase "on the Island of Oahu" where the latter appears.

3. Paragraph (a) (2) (i) is deleted and paragraphs (a) (2) (ii), (a) (2) (iii), and (a) (2) (iv) are redesignated (a) (2) (i), (a) (2) (ii), and (a) (2) (iii), respectively.

4. Redesignated paragraph (a) (2) (iii) is amended to read as follows:

(iii) *Prefabricated dwelling structures.* Maximum prices are established under Maximum Price Regulation 606, as modified by Revised Supplementary Order 44.

5. Paragraph (f) (2) is amended to read as follows:

(2) *Filing of reports.* Each seller who performs new construction or remodeling or alteration work which is not priced on an hourly basis nor charged for on the basis of a fixed fee shall complete Form THP 15 in triplicate. The seller must file one copy with the nearest field office of the Office of Price Administration and deliver one copy to the customer within 10 days after the completion of such work. The third copy shall be retained by the seller. In the event more than one contractor performs the work, it shall be the responsibility of the general contractor to file such report properly completed by each subcontractor.

6. Under Appendix E, the first sentence of paragraph 3 (c) is amended to read: Changes from the plans on which the building contract was based have been ordered by the owner, any contractor doing such electrical work shall file an application with the nearest field office of the Office of Price Administration for approval of a proposed maximum price for the electrical work he proposes doing.

This amendment shall become effective as of August 19, 1946.

Issued this 21st day of October 1946.

PAUL A. PORTER,
Administrator.

Statement of the Considerations Involved in the Issuance of Amendment 114 to Revised Maximum Price Regulation 373

By the accompanying amendment all of the Territory of Hawaii is brought within the coverage of section 69. Heretofore section 69 applied only to the island of Oahu. As originally issued, section 69 employed pricing standards for construction and repair services and sales of installed building materials based on wage rates established for the island of Oahu by the War Labor Board under its Wage Scale 9. These rates were substantially higher than those which prevailed in the rest of the Territory, consequently uniform Territorial-wide maximum prices could not be established without creating a considerable rise in prices in the islands outside of Oahu. However, on May 21, 1946, the Wage Adjustment Board for the Building and Construction Industry of the United States Department of Labor issued an order increasing wage rates in the construction trades and not only made its order applicable throughout the Territory but established for the first time a uniform wage scale for all the islands. Thus, the basic objection to giving section 69 Territorial-wide applicability was eliminated.

This amendment also provides that all applications and reports shall be filed with the nearest field office of the Office of Price Administration, deletes an obsolete paragraph, and changes the reference to the applicable regulations governing sales of prefabricated houses.

Prior to the issuance of this amendment, members of the industry were consulted and consideration was given to their recommendations. It is the opinion of the Price Administrator that the maximum prices established by this amendment are generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and the Executive Orders of the President.

[F. R. Doc. 46-18930; Filed, Oct. 21, 1946; 8:53 a. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 14E, Interpretation of Sec. 2.7 (d)]

DISCOUNTS AND ALLOWANCES

The following is a new interpretation of section 2.7 (d) of Supplementary Regulation No. 14E:

Discounts and allowances. The discount requirements of paragraph (d) of section 2.7 of Supplementary Regulation No. 14E do not apply in cases where prices in that section are determined by the application of a specified percentage markup actually set out in the regulation. Prices thus arrived at are net prices and no wholesaler need allow his customary discount therefrom.

Issued this 24th day of September 1946.

JONATHAN B. RICHARDS,
Associate General Counsel.

[F. R. Doc. 46-18944; Filed, Oct. 21, 1946; 8:49 a. m.]

PART 1305—ADMINISTRATION

[SO 126, Amdt. 60]

EXEMPTION AND SUSPENSION OF WORK GLOVES FROM PRICE CONTROL

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Supplementary Order No. 126 is amended in the following respects:

1. Section 9 (d) is added to read as follows:

(d) Work gloves made wholly of imported oil-tanned sheepskin slats.

This amendment shall become effective October 21, 1946.

Issued this 21st day of October 1946.

PAUL A. PORTER,
Administrator.

Statement of the Considerations Involved in the Issuance of Amendment No. 60 to Supplementary Order No. 126

The accompanying amendment suspends price control on work gloves made wholly of imported oil-tanned sheepskin slats.

The product suspended by this action is not considered to be a commodity but is in fact an item within a commodity or class of commodities. No determination has been made at this time that the commodity group to which this product belongs is not important in the cost of living or business costs. The Price Administrator has, nevertheless, selected this product out of its commodity group for suspension at this time because (a) it is insignificant in relation to the class of commodities to which it belongs; (b) its special end uses are different from the end uses of the other products within its commodity group and are unimportant in the cost of living and business costs; (c) the administrative burden involved in processing applications for adjustment in the event a maximum price for this product is maintained is disproportionate in relation to the effectiveness of controls or the contribution to stabilization and (d) suspension from price control will not result in any cumulative and dangerously unstabilizing effect.

After due consideration of the foregoing, the Price Administrator finds that this action is consistent with the Emergency Price Control Act of 1942, as amended.

[F. R. Doc. 46-19071; Filed, Oct. 21, 1946; 11:41 a. m.]

PART 1305—ADMINISTRATION

[SO 168,[1] Amdt. 1]

SUSPENSION OF PRICE CONTROL ON APPAREL AND APPAREL ACCESSORIES WHEN MANUFACTURED AND SOLD BY CERTAIN SPECIFIED ORGANIZATIONS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Supplementary Order No. 168 is amended in the following respects:

1. The title of the order is amended by adding at the end thereof, after the word "organizations", the words "and individuals".

2. Section 1 is amended by inserting the designation (a) after the caption of said section, and by adding the following paragraph:

(b) Price control is suspended on all sales of apparel and apparel accessories by disabled veterans receiving compensation, pension or disability retirement benefits by reason of public laws administered by The Veterans' Administration, the War Department or the Navy Department: *Provided*, That such items of apparel and apparel accessories are produced entirely by the manual skill of such disabled veterans.

3. Section 3 is amended by inserting after the word "corporations" the words "and individuals".

[1] 11 F. R. 8114.

This amendment shall become effective October 21, 1946.

Issued this 21st day of October 1946.

PAUL A. PORTER,
Administrator.

Statement of Considerations Involved in the Issuance of Amendment 1 to Supplementary Order 168

The accompanying amendment to Supplementary Order 168, suspends price control on the sale of apparel and apparel accessories produced entirely by the manual skill of disabled veterans receiving compensation, pension or disability retirement benefits by reason of public laws administered by the Veterans' Administration, the War Department, or the Navy Department.

Many disabled veterans have sought to overcome their handicaps in earning a livelihood by becoming proficient in the fields of handcraft. In many instances, this interest in woodcraft, metalcraft, pottery, papercraft, weaving, and leathercraft arose as a result of the various occupational therapy programs of the services and the Veterans' Administration.

The sales affected constitute an insignificant portion of the total sales in the apparel field and their control involves administrative difficulties which are disproportionate in relation to the contribution to stabilization.

[F. R. Doc. 46-19067; Filed, Oct. 21, 1946; 11:40 a. m.]

PART 1309—COPPER

[RMPR 20, Amdt. 8]

COPPER SCRAP AND COPPER ALLOY SCRAP

A statement of the considerations involved in the issuance of this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation No. 20 is amended in the following respects:

1. Section 16 (f) (3) is amended to read as follows:

(3) *Lead-covered telephone and power cable scrap.* (i) Anything in this regulation and in Maximum Price Regulation No. 70 to the contrary notwithstanding, as an alternative to settling for lead-covered telephone and power cable scrap in accordance with the provisions of Maximum Price Regulation No. 70 and the provisions of this regulation other than this subparagraph, a seller and consumer may agree to settle and make settlement for lead-covered telephone and power cable scrap at a price not in excess of 7.54 cents per pound of material, f. o. b. point of shipment for the combined copper and lead content of lead-covered telephone and power cable scrap. No quantity or other premiums may be added to this price.

(ii) As used in this subparagraph the term "Lead-covered telephone and power cable scrap" shall mean lead-covered telephone and power cable, potheads, splices and butts with or without sleeves which have been scrapped by the "Bell System."

This amendment shall become effective October 26, 1946.

Issued this 21st day of October 1946.

PAUL A. PORTER,
Administrator.

Statement of the Considerations Involved in the Issuance of Amendment No. 8 to Revised Maximum Price Regulation No. 20

This amendment adjusts the maximum price of lead-covered telephone and power cable scrap as established in section 16 (f) (3) of Revised Maximum Price Regulation No. 20, in accordance with similar adjustments made in the maximum prices of copper scrap, copper alloy scrap and lead scrap on June 3, 1946.

Section 16 (f) (3) provided for the purchase of lead-covered telephone and power cable scrap on a "flat price" basis of 6.04 cents per pound as an alternative to purchasing this scrap by the method of analysis and formula pricing under section 16 (a) (2) of the Regulation. In the price increases that were granted under Amendment 6 to Revised Maximum Price Regulation 20, effective June 3, 1946, the method of analysis and formula pricing of scrap cable was adjusted to reflect the price increases in the applicable grades of lead scrap and copper scrap present in the cable, but the corresponding adjustment in the "flat price" method provided by section 16 (f) (3) was overlooked.

The present action corrects this oversight by establishing a maximum price of 7.54 cents per pound for lead-covered telephone and power cable scrap. This price was determined by the same method used previously, but on the basis of the maximum prices which are currently in effect.

The Administrator finds that the action taken in Amendment No. 8 will effectuate the purpose of the Emergency Price Control Act of 1942, as amended.

[F. R. Doc. 46-19070; Filed, Oct. 21, 1946; 11:41 a. m.]

PART 1312—LUMBER AND LUMBER PRODUCTS

[MPR 608, Amdt. 2]

SPECIAL MILLWORK

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 608 is amended in the following respect:

1. Section 8 is amended to read as follows:

SEC. 8. *Petitions for admendment and applications for adjustment*—(a) *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

(b) *Individual adjustment.* Any manufacturer of special millwork, subject to this regulation, may file an application for adjustment in his maximum prices for this commodity in accordance

with the provisions of section 13 (c) of Revised Maximum Price Regulation No. 293.

This amendment shall become effective October 26, 1946.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942 as amended.

Issued this 21st day of October 1946.

PAUL A. PORTER,
Administrator.

A Statement of the Considerations Accompanying Amendment 2 to Maximum Price Regulation 608

This amendment incorporates into the regulation an individual adjustment provision to allow manufacturers of special millwork to apply for adjustment in their ceiling prices where they can show that existing maximum prices result in hardship.

This action is taken to provide a procedure by which companies who are operating on a hardship basis because of increased costs can secure price relief without waiting for industry wide action. Ceiling prices for special millwork take into account increases in direct material and labor costs through December 31, 1945. Several manufacturers have indicated that they are unable to continue the manufacture of special millwork under existing ceiling prices. Since this production is necessary, this action is taken to insure the continued operation of all producers without raising the general price level.

The information to be furnished by manufacturers applying for individual adjustment is similar to the information customarily required under the regulations which contain similar adjustment provisions to determine whether an increase in price on an individual basis is necessary. The criteria to be used in determining the extent of the adjustments are set forth in the adjustment provisions incorporated into the regulation by the accompanying amendment.

[F. R. Doc. 46-19065; Filed, Oct. 21, 1946; 11:40 a. m.]

PART 1312—LUMBER AND LUMBER PRODUCTS

[MPR 525, Amdt. 14]

JOBBER SALES OF STOCK MILLWORK

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 525 is amended in the following respects:

1. In section 3 (c) (2), the table of freight allowances is amended to read as follows:

Zone No.	House doors and flush type hollow core doors shorten basic discount (points)	Garage doors add to f.o.b. mill price sets or pairs		Factory fitted 1¾" entrance doors net additions per door		Factory fitted 1¾" solid flush doors net addition per door per sq. ft.
		1¾"	1⅜"	3-0 x 6-8	3-0 x 7-0	
1	5	$1.75	$1.25	$0.74	$0.79	$0.05
1½	6	2.00	1.50	.90	.95	.06
2	6½	2.25	1.60	.98	1.03	.06½
3	7	2.50	1.70	1.05	1.11	.07
3½	8	2.75	1.95	1.20	1.27	.08
4	9	3.15	2.20	1.35	1.43	.09
5	3½	1.25	.90	.52	.55	.03½
6	3½	1.25	.90	.52	.55	.03½
7	3½	1.25	.90	.52	.55	.03½
8	4½	1.50	1.10	.67	.71	.04½
9	3	1.00	.75	.45	.48	.03
10	3½	1.25	.90	.52	.55	.03½
11	1	.50	.40	.20	.20	.01
12	3	1.00	.75	.45	.48	.03
13	3	1.00	.75	.45	.48	.03
14	4	1.35	1.00	.59	.63	.04
15	4	1.35	1.00	.59	.63	.04
16	4	1.35	1.00	.59	.63	.04
17	4	1.35	1.00	.59	.63	.04

2. Section 26 (c) (3) is amended to read as follows:

(3) For stock millwork priced in Maximum Price Regulation 589, the maximum carload f. o. b. mill price established by Maximum Price Regulation 589 adjusted for freight (computed according to the provisions of section 3 (c) (4) of this regulation), to the jobbers warehouse from which deliveries are made to the Boise Area, plus the percentage markup in subparagraph (5) (iii) below;

3. Section 27 (c) (3) is amended to read as follows:

(3) For stock millwork priced in Maximum Price Regulation 589, the maximum carload f. o. b. mill price established by Maximum Price Regulation 589 adjusted for freight (computed according to the provision of section 3 (c) (4) of this regulation), to the jobbers warehouse from which deliveries are made to the Spokane Area, plus the percentage markup in subparagraph 5 (iii) below;

4. Section 28 (c) (3) is amended to read as follows:

(3) For stock millwork priced in Maximum Price Regulation 589, the maximum carload f. o. b. mill price established by Maximum Price Regulation 589 adjusted for freight, (computed according to the provisions of section 3 (c) (4) of this regulation) to the jobbers warehouse from which deliveries are made to the Puget Sound Area, plus the percentage markup in subparagraph (5) (iii) below;

5. Section 29 (c) (3) is amended to read as follows:

(3) For stock millwork priced in Maximum Price Regulation 589, the maximum carload f. o. b. mill price established by Maximum Price Regulation 589 adjusted for freight, (computed according to the provisions of section 3 (c) (4) of this regulation) to the jobbers warehouse from which deliveries are made to the Portland Area, plus the percentage markup in subparagraph (5) (iii) below.

This amendment shall become effective October 26, 1946.

Issued this 21st day of October 1946.

PAUL A. PORTER,
Administrator.

Statement of Considerations Accompanying Amendment No. 14 to Maximum Price Regulation No. 525

The accompanying amendment provides for increases in the allowances which jobbers may use in computing freight costs for fir doors to reflect increased freight rates.

By orders, dated June 20, 1946, in Ex Parte No. 162, Increased railway rates, fares, and charges, 1946, and on further consideration in Ex Parte No. 148, Increased railway rates, fares and charges, 1942, the Interstate Commerce Commission authorized common carriers by railroad and by water and freight forwarders to establish in July 1946, and maintain until December 31, 1946, a general increase in their freight rates and charges of 6 percent, with certain exceptions, throughout the United States, and an additional increase of 5 percent, with certain exceptions, within official classification territory. Most states have taken similar action on intrastate shipments. These freight increases have in many cases resulted in a significant increase in the jobbers' acquisition costs of stock millwork.

Freight additions for fir doors are set forth in the manufacturer's regulation, Maximum Price Regulation 44. Additions for freight are expressed in terms of discount points and are based upon a band of freight rates. For example, where the freight rate ranges between 75¢ and 84¢ per 100 lbs., the discount for fir doors can be shortened by 4½ points. The increase in freight stated above does not automatically increase the cost to the jobber located in all areas. It is necessary for the increase to put the freight rate in a different "band" before the cost advances. The Office has secured from the Interstate Commerce Commission the new freight rates applicable in the various areas and has computed the adjustments required to reflect them. It has been found that no adjustment is necessary in Zones 5, 7, 8, 11, 12, 14, 16 and 17. In all other zones, it is necessary for the freight allowance to be increased the equivalent of ½ point from the price discount table for fir doors. This action is taken to conform with the provisions of section 2 (t) of the Emergency Price Control Act of 1942, as amended.

Provision is also made that jobbers may establish their maximum prices for Douglas fir frames, screen doors, and open windows and sash by a markup over the maximum carload f. o. b. mill prices established in Maximum Price Regulation 589. Previously the prices

for these items were established by a markup over the maximum carload f. o. b. mill prices established in Maximum Price Regulation 589 for persons who during the first nine months of 1941 received the manufacturers' prevailing maximum discount. Amendment 4 to Maximum Price Regulation 589, effective May 24, 1946, changed the pricing provisions of that regulation by establishing the same prices for all purchasers rather than having the price vary depending upon the type of discount granted during the first nine months of 1941.

The action taken by this amendment under Maximum Price Regulation 525, therefore, conforms the regulation to the pricing provisions of Maximum Price Regulation 589. This action was not necessary at an earlier date since jobbers were permitted a dollar-and-cent pass-through of increases granted under Maximum Price Regulation 589 after May 1, 1946. On May 1, 1946, two pricing levels were in effect under Maximum Price Regulation 589. However, the change is made at this time since jobbers are now permitted a percentage pass-through of increases granted at the manufacturing level since March 31, 1946. No change in price level results from this part of the action.

In view of the foregoing, the Price Administrator finds that this amendment is necessary and proper and is consistent with the purposes and standards of the Emergency Price Control Act of 1942, as amended.

[F. R. Doc. 46-19069; Filed, Oct. 21, 1946; 11:41 a. m.]

PART 1333—TIN

[MPR 17, Amdt. 4]

TIN

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 17 is amended in the following respects:

1. Section 2 (e) is amended to read as follows:

(e) *Sales or deliveries to an exporter for export of pig tin acquired from the Office of Metals Reserve for export.* Any person who has acquired pig tin for export from the Office of Metals Reserve may sell such tin to an exporter for export at a price no higher than his net cost of acquisition from that agency, plus the applicable percentage of such net cost as set forth herein:

There may be added to the net cost of acquisition the following percentages

Quantity	
2,240 to 11,199 pounds, inclusive	1.7
1,000 to 2,239 pounds, inclusive	2.6
500 to 999 pounds, inclusive	4.3
Under 500 pounds	5.2

This amendment shall become effective October 26, 1946.

Issued this 21st day of October 1946.

PAUL A. PORTER,
Administrator.

Statement of the Considerations Involved in the Issuance of Amendment No. 4 to Maximum Price Regulation No. 17

Jobbers and distributors of pig tin acquired from the Office of Metals Reserve for export are permitted to make sales of such tin to exporters at prices based on cost of acquisition, plus certain stated quantity differentials. That agency, whose sales of tin for export are not subject to price control, has increased its selling price for such tin to jobbers and distributors. As a consequence, the percentage mark-ups for these resellers have been reduced below those prevailing on March 31, 1946, and appropriate adjustments must be made in accordance with section 2 (t) of the Emergency Price Control Act of 1942, as amended. This section provides that in establishing maximum prices applicable to wholesale and retail distributors the Administrator shall allow the average current cost of acquisition of any commodity, plus the average percentage discount or mark-up as was in effect on March 31, 1946.

The action taken by this Amendment complies with this requirement by restoring to qualified resellers of tin acquired for export from the Office of Metals Reserve under MPR 17 the average percentage mark-up in effect on that date. The adjustments made by this Amendment were calculated on the basis of the percentage relationships existing between 58¢, the per pound price charged by the Office of Metals Reserve for export sales of tin on March 31, 1946, and the permitted differentials for the various quantity categories. These percentages are now established as additions in lieu of the previous cents per pound differentials and may be used in calculating permitted additions to the reseller's cost of acquisition for the purpose of establishing his maximum price for export sales under the regulation.

In the opinion of the Administrator, this action will comply with the statutory requirements of section 2 (t) of the Emergency Price Control Act of 1942, as amended.

[F. R. Doc. 46-19072; Filed, Oct. 21, 1946; 11:42 a. m.]

PART 1346—BUILDING MATERIALS

[RMPR 206, Amdt. 27]

VITRIFIED CLAY SEWER PIPE AND ALLIED PRODUCTS

A statement of the considerations involved in the issuance of this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 206 is amended in the following respects:

1. Section 5.6 (a) (2) (i) is amended to read as follows:

(i) Resellers in Vermont, New Hampshire, Connecticut, New Jersey, Maryland, Washington, D. C., Virginia, Pennsylvania, Ohio, Massachusetts, Delaware and Rhode Island—14%.

2. Section 5.6 (a) (2) (ii) is amended to read as follows:

(ii) Resellers in Maine, New York, West Virginia, the lower peninsula of Michigan and that part of Kentucky described in section 5.1, above—15%.

3. In section 8.5 (b) the references to sections 10.3 and 10.4 are deleted and are amended to read 8.3 and 8.4, respectively.

This amendment shall become effective October 26, 1946.

Issued this 21st day of October 1946.

PAUL A. PORTER,
Administrator.

Statement of Considerations Accompanying Amendment No. 27 to Revised Maximum Price Regulation 206

Amendment No. 24 to Revised Maximum Price Regulation 206, effective August 23, 1946, permitted resellers of vitrified clay sewer pipe and allied products in designated States within the Eastern Area to increase their maximum resale prices by certain specific amounts. These amounts represented increases required by section 2 (t) of the Emergency Price Control Act of 1942, as amended, and were designed to enable resellers within the area to realize the same percentage margins as they enjoyed on March 31, 1946.

The attention of this Office has now been called to the inadvertent omission and improper coverage of resellers in other areas within the Eastern Area, as defined in section 5.1 of the regulation. These areas namely the states of Delaware and Rhode Island, the lower peninsula of Michigan and part of Kentucky should have been covered within the terms of Amendment 24. Accordingly, the accompanying amendment corrects the omissions and improper coverages.

This action also corrects an inadvertent error in section 8.5 (b) so that reference therein is made to sections 8.3 and 8.4 respectively, in place of sections 10.3 to 10.4.

[F. R. Doc. 46-19066; Filed, Oct. 21, 1946; 11:40 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 11, Amdt. 104]

SUSPENSION OF CONTROL ON TRANSPORTATION OF PROPERTY BY MOTOR CARRIERS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 1499.46 (f) is amended by the addition of a new subparagraph (16) to read as follows:

(16) Transportation of property by motor carriers, other than common carriers subject to the Stabilization Act of 1942, as amended, performing line-haul substituted truck-for-rail service for railroads.

This amendment shall become effective October 21, 1946.

Issued this 21st day of October 1946.

PAUL A. PORTER,
Administrator.

Statement of the Considerations Involved in the Issuance of Amendment 104 to Revised Supplementary Regulation No. 11 to the General Maximum Price Regulation

This amendment suspends price control on line-haul transportation services performed by motor carriers for railroads. The suspended service consists largely of a substitute truck-for-rail service in the transportation of less-than-carload traffic, and in some instances of carload traffic, in areas where traffic is insufficient for economical and expeditious freight handling by freight trains. Truck-for-rail service is also employed in making cross-country connections between railroad stations on different branches of the same railroad or between the stations of different railroads. The suspension does not include pick-up and delivery or local transfer services which remain subject to regulation under section 9 of Supplementary Regulation No. 14–H.

While transportation services by motor carriers are generally important in business and living costs, the segment of the transportation industry which is affected by this action does not enter significantly into the cost of doing business or into the cost of living. The substituted truck-for-rail service is employed primarily for expediting the handling of freight and eliminating circuitous transportation routes which tend to delay deliveries.

There appear to be sufficient transportation facilities for handling this type of traffic, and it is not likely that this suspension will result in a diversion of manpower, facilities, or materials from other essential industry. It is concluded that this action is consistent with the purposes of the Emergency Price Control Act.

In view of the foregoing considerations, the Administrator has taken this action under the authority of section 1A (f) of the Emergency Price Control Act of 1942, as amended.

[F. R. Doc. 46-19068; Filed, Oct. 21, 1946; 11:41 a. m.]

Chapter XVIII—Office of Economic Stabilization, Office of War Mobilization and Reconversion

[Directive 41, Amdt. 7]

Part 4004—Price Stabilization; Maximum Prices

Livestock Slaughter Payments

Section 4004.1 *Livestock slaughter payments.* (Directive 41) is amended in the following respects:

1. Section 7 (b) (4) is amended to read as follows:

(4) Reconstruction Finance Corporation is also directed to withhold payment of subsidy claims upon a certification by a Regional Administrator of the Office of Price Administration or a District Director authorized by a Regional Administrator, that the slaughterer's report filed with the Office of Price Administration on a DS–T–55 or 636–2202 form pursuant to the provisions of Maximum Price Regulation 574, shows a cost of cattle in excess of his maximum permissible cost. The withholding shall apply to the net cattle subsidy (exclusive of extra-compensation payments) otherwise due the slaughterer on cattle slaughtered at the particular establishment during the accounting period involved and at the same rates as specified in paragraph (b) (3) above. In cases of slaughterers whose maximum permissible cattle costs are determined by section 11 of Maximum Price Regulation No. 574, or whose maximum permissible cattle costs are determined by section 9 of Maximum Price Regulation No. 574 but who do not file subsidy claims on DS–T–55 Forms, the appropriate Regional Administrator of the Office of Price Administration or the appropriate District Director authorized by him shall as promptly as possible certify to Reconstruction Finance Corporation (i) the name of any slaughterer whose filed report on a DS–T–55 or 636–2202 form, after correction for errors, shows a cost of cattle in excess of his maximum permissible cost; (ii) the address of the establishment and the accounting period for which the report is filed; and (iii) the percentage by which such slaughterer's excess in cattle cost exceeds his maximum permissible cost; and (iv) the percentage of subsidy to be withheld.

2. Section 7 (b) (6) is amended by inserting after the word "is" the parenthetical phrase "(or, before October 17, 1946, was)".

3. A new section 12 is added to read as follows:

Sec. 12. (a) The amount of subsidy withheld for each period after March 31, 1946, pursuant to section 7 (b) (4), as it read prior to this amendment issued October 17, 1946, which would not have been withheld in accordance with Directive 41 had section 7 (b) (4), as revised by this amendment, been in effect from April 1, 1946, is hereby released.

(b) Upon application by the slaughterer to the Washington office of the Office of Price Administration, the Price Administrator (or his designee) shall certify to Reconstruction Finance Corporation the amount of subsidy so released and thereupon such amount of subsidy shall be payable forthwith. The Price Administrator may issue regulations prescribing the contents of the applications and including such other provisions as the Price Administrator deems necessary to effectuate the provisions of this section.

4. *Effective dates.* Section 1 of this amendment shall become effective as of April 1, 1946, and sections 2 and 3 of this amendment shall become effective as of the date of issuance of this amendment.

Issued and effective this 17th day of October 1946.

(56 Stat. 765; 58 Stat. 632, 642, 784; 59 Stat. 306; 15 U. S. C. 713a–8, 713a–8 note, 50 U. S. C. App. 901–903, 921–925, 961–971; Pub. Law 548, 79th Cong.; E. O. 9250, 9328, 9599, 9651, 9697, 9699, 9762, 7 F. R. 7871, 8 F. R. 4681, 10 F. R. 10155, 13487, 11 F. R. 1691, 1929, 8073)

John R. Steelman,
Director of War Mobilization and Reconversion, Director of Economic Stabilization.

[F. R. Doc. 46-18918; Filed, Oct. 21, 1946; 8:46 a. m.]

Title 36—Parks and Forests

Chapter II—Forest Service, Department of Agriculture

Part 261—Trespass

Removal of Trespassing Horses in Helena and Deerlodge National Forests

Whereas a number of horses are trespassing and grazing on lands in the Clancy and Cataract Basin ranges of the Helena and Deerlodge National Forests in the State of Montana; and

Whereas these horses are consuming forage needed for permitted livestock, are causing extra expense to established permittees, and are injuring national-forest lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the act of June 4, 1897 (30 Stat. 35, 16 U. S. C. 551), and the act of February 1, 1905 (33 Stat. 628, 16 U. S. C. 472), the following order for the occupancy, use, protection, and administration of land in sections 19 to 36 inclusive of the South ½ of T. 8 N., R. 5 W., Montana P. M., embraced in the Clancy and Cataract Basin ranges of the Helena and Deerlodge National Forests, is issued:

§ 261.50 *Temporary closures from livestock grazing and orders for removal of trespassing animals.* * * *

Temporary closure from livestock grazing,[1]

(a) Sections 19 to 36 inclusive of the S ½ of T. 8 N., R. 5 W., Montana Principal Meridian, in the Helena and Deerlodge National Forests, are hereby closed for the period November 1, 1946 to April 30, 1947 to the grazing of horses, excepting those that are lawfully grazing on or crossing such land, pursuant to the regulations of the Secretary of Agriculture, or that are used in connection with operations authorized by such regulations, or that are used as riding, pack, or draft animals by persons traveling over such land.

(b) Officers of the United States Forest Service are hereby authorized to dispose of, in the most humane manner, all horses found trespassing or grazing in violation of this order.

(c) Public notice of intention to dispose of such horses shall be given by posting notices in public places or advertising in a newspaper of general circulation in the locality in which the Helena and Deerlodge National Forests are located.

Done at Washington, D. C., this 16th day of October 1946. Witness my hand and the seal of the Department of Agriculture.

[SEAL] N. E. Dodd,
Acting Secretary of Agriculture.

[F. R. Doc. 46-18913; Filed, Oct. 21, 1946; 8:51 a. m.]

Title 49—Transportation and Railroads

Chapter II—Office of Defense Transportation

Part 500—Conservation of Rail Equipment

Exceptions

Cross Reference: For exceptions to the provisions of § 500.3 see Part 520 *infra.*

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[1] This affects tabulation contained in 36 CFR, § 261.50.

PART 500—CONSERVATION OF RAIL EQUIPMENT

SHIPMENTS OF MEAT AND PERISHABLE FOODSTUFFS FOR THE ARMED FORCES

CROSS REFERENCE: For an exception to the provisions of § 500.72 see Part 520 *infra*.

[Gen. Permit ODT 1, Rev. 9]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS AND PERMITS

REFRIGERATOR CARS CONTAINING PORTABLE HEATERS

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, and Executive Order 9729, it is hereby ordered, that:

§ 520.11 *Refrigerator cars containing portable heaters.* Notwithstanding the restrictions contained in § 500.3 of General Order ODT 1, Revised, as amended (11 F. R. 8228, 8740, 9040), any common carrier by railroad may accept from a shipper, or load and forward from or within any city or town, any refrigerator car containing merchandise consisting of portable heaters, when such car and such merchandise are consigned to any point in the State of Maine, and such car would otherwise move empty to destination.

This General Permit ODT 1, Revised–9, shall become effective October 21, 1946, and shall expire at 12:59 p. m. March 31, 1947.

(54 Stat. 676, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Public Law 475, 79th Congress, 60 Stat. 345; 50 U. S. C. App. 633, 645, 1152; E. O. 8989, as amended, 6 F. R. 6725, 8 F. R. 14183; E. O. 9729, 11 F. R. 5641)

Issued at Washington, D. C., this 16th day of October 1946.

HOMER C. KING,
Deputy Director of the Office of Defense Transportation.

[F. R. Doc. 46–18921; Filed, Oct. 21, 1946; 8:49 a. m.]

[Gen. Permit ODT 1, Rev. 10]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS AND PERMITS

SHIPMENTS FROM OFFICIAL CLASSIFICATION TERRITORY

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, and Executive Order 9729, it is hereby ordered, that:

§ 520.12 *Shipments from official classification territory.* Notwithstanding the restrictions contained in § 500.3 of General Order ODT 1, Revised, as amended (11 F. R. 8228, 8740, 9040), any common carrier by railroad may accept from a shipper, or load and forward from any city or town situated in that part of official classification territory which is east of the Indiana-Illinois State boundary and the Chicago Switching District, any railway closed car containing less than 20,000 pounds of merchandise when such car is destined to any point or points south or west of the first loading point of such car in such territory.

This General Permit ODT 1, Revised–10, shall become effective October 21, 1946, and remain in full force and effect until December 20, 1946.

(54 Stat. 676, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Public Law 475, 79th Congress, 60 Stat. 345; 50 U. S. C. App. 633, 645, 1152; E. O. 8989, as amended, 6 F. R. 6725, 8 F. R. 14183; E. O. 9729, 11 F. R. 5641)

Issued at Washington, D. C., this 16th day of October 1946.

HOMER C. KING,
Deputy Director of the Office of Defense Transportation.

[F. R. Doc. 46–18922; Filed, Oct. 21, 1946; 8:49 a. m.]

[Gen. Permit ODT 1, Rev. 11]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS AND PERMITS

SHIPMENTS WITHIN OFFICIAL CLASSIFICATION TERRITORY

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, and Executive Order 9729, it is hereby ordered, that:

§ 520.13 *Shipments within official classification territory.* Notwithstanding the restrictions contained in § 500.3 of General Order ODT 1, Revised, as amended (11 F. R. 8228, 8740, 9040), any common carrier by railroad may accept from a shipper, or load and forward from any city or town situated in that part of official classification territory which is east of the Indiana-Illinois State boundary, but including the Chicago Switching District, any railway closed car containing not less than 15,000 pounds of merchandise when such car is destined to any point east of the loading point of such car in such territory: *Provided*, That such car shall move from such loading point direct to the destination point by-passing all transfer stations en route.

This General Permit ODT 1, Revised–11, shall become effective October 21, 1946, and remain in full force and effect until December 20, 1946.

(54 Stat. 676, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Public Law 475, 79th Congress, 60 Stat. 345; 50 U. S. C. App. 633, 645, 1152; E. O. 8989, as amended, 6 F. R. 6725; 8 F. R. 14183; E. O. 9729, 11 F. R. 5641)

Issued at Washington, D. C., this 15th day of October 1946.

HOMER C. KING,
Deputy Director of the Office of Defense Transportation.

[F. R. Doc. 46–18923; Filed, Oct. 21, 1946; 8:48 a. m.]

[Gen. Permit ODT 18A, Rev. 18, Amdt. 1]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS AND PERMITS

SHIPMENTS OF MEAT AND PERISHABLE FOODSTUFFS FOR THE ARMED FORCES

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, and Executive Order 9729, General Permit ODT 18A, Revised–18 (11 F. R. 9192), is hereby amended by striking paragraph (b) of § 520.516.

This Amendment 1 to General Permit ODT 18A, Revised–18, shall become effective October 18, 1946.

(54 Stat. 676, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Public Law 475, 79th Congress, 60 Stat. 345; 50 U. S. C. App. 633, 645, 1152; E. O. 8989, as amended, 6 F. R. 6725, 8 F. R. 14183; E. O. 9729, 11 F. R. 5641)

Issued at Washington, D. C., this 16th day of Ocober, 1946.

HOMER C. KING,
Deputy Director of the Office of Defense Transportation.

[F. R. Doc. 46–18919; Filed, Oct. 21, 1946; 8:49 a. m.]

[Gen. Order ODT 67, Amdt. 1]

PART 502—DIRECTION OF TRAFFIC MOVEMENT

OPERATION OF VESSELS ON THE GREAT LAKES

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, and Executive Order 9729, General Order ODT 67 (11 F. R. 12096) is hereby amended by adding § 502.331a to read as follows:

§ 502.331a *General and special permits.* The provisions of this order shall be subject to any general or special permit issued by the Office of Defense Transportation to meet specific needs or exceptional circumstances, or to prevent undue public hardship. The Director, and the Assistant Director, Waterways Transport Department, Office of Defense Transportation, 1800 Terminal Tower, Cleveland 13, Ohio, are hereby severally authorized to issue special permits on behalf of the Office of Defense Transportation in accordance with the provisions of this § 502.331a and the provisions of Administrative Order ODT 32 (11 F. R. 177A–633). Applications for such special permits shall be made to either of the officers at the address shown in this section.

This Amendment 1 to General Order ODT 67 shall become effective October 16, 1946.

(54 Stat. 676, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Public Law 475, 79th Congress, 60 Stat. 345; 50 U. S. C. App. 633, 645, 1152; E. O. 8989, as amended, 6 F. R. 6725, 8 F. R. 14183; E. O. 9729, 11 F. R. 5641)

Issued at Washington, D. C., this 16th day of October, 1946.

HOMER C. KING,
Deputy Director of the Office of Defense Transportation.

[F. R. Doc. 46–18920; Filed, Oct. 21, 1946; 8:49 a. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

CONNECTICUT

FARM OWNERSHIP LOAN LIMITATIONS

In accordance with the item entitled, "Farm Tenancy," contained in the Department of Agriculture Appropriation Act, 1947 (Public Law 422, 79th Congress, approved June 22, 1946), no loans under Title I of the Bankhead-Jones Farm Tenant Act (50 Stat. 522, 7 U. S. C. 1000–1006), excepting those to eligible veterans, may be made for the acquisition or enlargement of farms which have a value, as acquired, enlarged, or improved, in excess of the average value of efficient family-size farm-management units, as determined by the Secretary of Agriculture, in the county, parish, or locality where the farm is located. The limitations designated herein shall be applied in accordance with the above-mentioned authorities to Farm Ownership loans in the counties of Connecticut named below. With respect to each county, the limitation does not exceed the average value of efficient family-size farm-management units located in such county.

CONNECTICUT

County:	*Limitation*
Fairfield	$12,000
Hartford	12,000
Litchfield	12,000
Middlesex	12,000
New Haven	12,000
New London	12,000
Tolland	12,000
Windham	12,000

Issued this 16th day of October 1946.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 46–18912; Filed, Oct. 21, 1946; 8:51 a. m.]

WISCONSIN

FARM OWNERSHIP LOAN LIMITATIONS

Correction

In Federal Register Document 46–18494 appearing at page 12038 of the issue for Tuesday, October 15, 1946, the loan limitations for the following counties should read:

Taylor	$8,500	Walworth	$12,000
Vernon	10,000	Washburn	7,000
Vilas	7,000	Waukesha	12,000

CIVIL AERONAUTICS BOARD.

[Docket No. 2541]

AIR FRANCE

NOTICE OF HEARING

In the matter of the application of Air France for amendment of foreign air carrier permits under section 402 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1001 of said Act, that the above-entitled proceeding is assigned for hearing on October 22, 1946 at 10 a. m. (eastern standard time) in Room 5417, Department of Commerce Building, 14th Street between E Street and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Dated Washington, D. C., October 16, 1946.

By the Civil Aeronautics Board.

[SEAL] M. M. MULLIGAN,
Secretary.

[F. R. Doc. 46–18875; Filed, Oct. 21, 1946; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Designation Order 2]

DESIGNATION OF MOTIONS COMMISSIONER

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of September 1946;

It is ordered, Pursuant to § 1.111 of the Commission's rules and regulations, that E. K. Jett, Commissioner, be, and he is hereby designated as Motions Commissioner, for the month of October 1946.

It is further ordered, That in the event said Motions Commissioner is unable to act during any part of said period the Chairman or Acting Chairman will designate a substitute Motions Commissioner.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 46–18888; Filed, Oct. 21, 1946; 8:50 a. m.]

[Docket No. 7845]

WAYNE M. NELSON, INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Wayne M. Nelson, Inc., Fayetteville, North Carolina, for construction permit; Docket No. 7845, File No. B3–P–4951.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C. on the 19th day of September 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1230 kc, with 250 w power, unlimited time, at Fayetteville, North Carolina;

It is ordered, That, pursuant to section 309 (a) of the Communications Act, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Scotland Broadcasting Company (File No. B3–P–5068) requesting a construction permit for a new standard broadcast station to operate on 1230 kc, with 250 w power, unlimited time, at Laurinburg, North Carolina, contingent upon the grant of the application of Florence Broadcasting Company, Inc. (File No. B3–P–4538; Docket No. 7606) requesting a construction permit to change the assignment of Station WOLS at Florence, South Carolina, from 1230 kc, with 250 w power, unlimited time, to 930 kc, with one kw power, unlimited time, using a directional antenna at night, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with Station WFTC at Kinston, North Carolina, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Scotland Broadcasting Company (File No. B3–P–5068) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine the overlap, if any, that will exist between the service areas of the proposed station and the newly authorized Station WAYN at Rockingham, North Carolina, the nature and extent thereof, and whether such overlap is in contravention of § 3.35 of the Commission's rules.

7. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

8. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] WILLIAM P. MASSING,
Acting Secretary.

[F. R .Doc. 46–18889; Filed, Oct. 21, 1946; 8:50 a. m.]

[Docket No. 7843]

METROPOLITAN BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Metropolitan Broadcasting Corporation, Belleville, Illinois, for construction permit; Docket No. 7843, File No. B4–P–5034.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C. on the 19th day of September 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1430 kc, with 1 kw power, unlimited time, using a directional antenna at night, at Belleville, Illinois:

It is ordered, That, pursuant to section 309 (a) of the Communications Act, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Robert L. Kern and Richard P. Kern, d/b as Belleville News-Democrat (File No. B4–P–5176) requesting a construction permit for a new standard broadcast station to operate on 1430 kc, with 1 kw power, unlimited time, using a directional antenna at night, at Belleville, Illinois, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Robert L. Kern and Richard P. Kern, d/b as Belleville News-Democrat (File No. B4–P–5176) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] WILLIAM P. MASSING,
Acting Secretary.

[F. R. Doc. 46–18890; Filed, Oct. 21, 1946; 8:50 a. m.]

[Docket No. 7844]

BELLEVILLE NEWS-DEMOCRAT

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Robert L. Kern and Richard P. Kern, d/b as Belleville News-Democrat, Belleville, Illinois, for construction permit; Docket No. 7844, File No. B4–P–5176.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 19th day of September 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1430 kc, with 1 kw power, unlimited time, using a directional antenna at night, at Belleville, Illinois;

It is ordered, That pursuant to section 309 (a) of the Communications Act, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Metropolitan Broadcasting Corporation (File No. B4–P–5034) requesting a construction permit for a new standard broadcast station to operate on 1430 kc, with 1 kw power, unlimited time, using a directional antenna at night, at Belleville, Illinois, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Metropolitan Broadcasting Corporation (File No. B4–P–5034) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, and the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] WILLIAM P. MASSING,
Acting Secretary.

[F. R. Doc. 46–18891; Filed, Oct. 21, 1946; 8:50 a. m.]

[Docket No. 7846]

SCOTLAND BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Scotland Broadcasting Company, Laurinburg, North Carolina, for construction permit; Docket No. 7846, File No. B3–P–5068.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C. on the 19th day of September 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1230 kc, with 250 w power, unlimited time, at Laurinburg, North Carolina, contingent upon the grant of the application of Florence Broadcasting Company, Inc. (File No. B3–P–4538; Docket No. 7606) requesting a construction permit to change the assignment of WOLS at Florence, South Carolina, from 1230 kc, with 250 w power, unlimited time, to 930 kc, with 1 kw power, unlimited time, using a directional antenna at night;

It is ordered, That, pursuant to section 309 (a) of the Communications Act, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Wayne M. Nelson, Inc. (File No. B3–P–4951), requesting a construction permit for a new standard broadcast station to operate on 1230 kc, with 250 w power, unlimited time, at Fayetteville, North Carolina, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be

rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with station WOLS at Florence, South Caroline, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending applications of Wayne M. Nelson, Inc. (File No. B3–P–4951); Peter B. Thornell (File No. B3–P–4921); Eugene E. Stone (File No. B3–P–4948); or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That Florence Broadcasting Company, Inc., Florence, South Carolina, licensee of Station WOLS, be, and it is hereby, made a party to this proceeding.

By the Commission.

[SEAL] WILLIAM P. MASSING,
Acting Secretary.

[F. R. Doc. 46–18892; Filed, Oct. 21, 1946; 8:50 a. m.]

FEDERAL POWER COMMISSION.

[Docket Nos. G–200, G–207]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

ORDER FURTHER POSTPONING AND CHANGING PLACE OF HEARING

OCTOBER 16, 1946.

City of Detroit, Michigan, and County of Wayne, Michigan, v. Panhandle Eastern Pipe Line Company and Michigan Gas Transmission Corporation, Docket No. G–200. In the matter of Panhandle Eastern Pipe Line Company, Michigan Gas Transmission Corporation, and Illinois Natural Gas Company, Docket No. G–207.

It appears to the Commission that:

(a) On October 14, 1946, the Commission ordered that a public hearing be held in the above-entitled matter commencing at 10:00 a. m. (e. s. t.) on October 21, 1946, in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C.

(b) Good cause exists for postponing the date and changing the place of hearing as hereinafter provided.

The Commission orders that:

The public hearing in the above-entitled proceeding be and the same is hereby postponed to October 23, 1946, commencing at 10:00 a. m. (e. s. t.), in Room 267, U. S. Courthouse, Clark and Adams Streets, Chicago, Illinois.

Date of issuance: October 17, 1946.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 46–18917; Filed, Oct. 21, 1946; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 70–1134, 70–1125, and 59–12]

AMERICAN POWER AND LIGHT CO. ET AL.

ORDER RELEASING JURISDICTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 14th day of October A. D. 1946.

In the matter of American Power & Light Company, File No. 70–1134; American Power & Light Company and Electric Power & Light Corporation, File No. 70–1135; Electric Bond and Share Company, American Power & Light Company, National Power & Light Company, et al., respondents, File No. 59–12.

The Commission having by order dated October 24, 1945 granted and permitted to become effective, applications and declarations filed by Electric Power & Light Corporation (Electric), American Power & Light Company (American), both registered holding companies, and Texas Utilities Company (Texas), a wholly owned subsidiary of American, pursuant to sections 6 (a), 7, 9 (a), 10 and 12 of the Public Utility Holding Company Act of 1935 with respect to the sale by Electric and the purchase by Texas of 248,433 shares of the no par value common stock of Dallas Power & Light Company owned by Electric, the transfer to and the acquisition by Texas of common stocks of certain electric utility subsidiaries of American and other related transactions; and

The Commission having by said order reserved jurisdiction with respect to the payment of legal fees and expenses incurred in connection with the proposed transactions and over fees of certain financial advisers retained by American and Electric; and the record having been completed with respect to such fees and expenses incurred in connection with the proposed transactions, the amount of such fees being as follows:

Reid & Priest	$6,200
Root, Ballantine, Harlan, Bushby & Palmer	2,200
Cantey, Hanger McMahon, McKnight & Johnson	1,500
Blyth & Co. Inc	12,500
The First Boston Corporation	12,500

It appearing to the Commission that such fees and expenses are not unreasonable:

It is ordered, That jurisdiction heretofore reserved over the fees and expenses to be paid in connection with the above transactions be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 46–18896; Filed, Oct. 21, 1946; 8:46 a. m.]

[File No. 70–1241]

STANDARD GAS AND ELECTRIC CO.

SUPPLEMENTAL ORDER GRANTING EXTENSION OF TIME FOR CONSUMMATION OF PROPOSED SALE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 15th day of October 1946.

The Commission having previously issued supplemental orders in the above-entitled matter (Holding Company Act Release Nos. 6706, 6733 and 6817) granting extensions of time until June 22, July 31, and October 15, 1946, respectively, for the consummation of the proposed sale by Standard Gas and Electric Company of its investment in Empresa de Servicios Publicos de los Estados Mexicanos, S. A. to Theodore E. Shepard for $858,000 cash; such proposed sale having heretofore been approved by order of the Commission dated April 15, 1946 (Holding Company Act Release No. 6557); and

Standard Gas and Electric Company on October 14, 1946, having filed a request for a further extension of time to November 1, 1946, within which to consummate said proposed sale, subject to an extension of time thereafter to December 2, 1946, if the purchaser makes an additional earnest money payment of $25,500 prior to the close of business on November 1, 1946; and

The Commission having considered the matter and deeming it appropriate that such request be granted:

It is hereby ordered, That the time for consummation of the proposed sale by Standard Gas and Electric Company of its investment in Empresa de Servicios Publicos de los Estados Mexicanos, S. A. to Theodore E. Shepard heretofore approved by order of this Commission dated April 15, 1946 (Holding Company Act Release No. 6557), be and the same is hereby extended to December 2, 1946, subject to the terms of said request and subject to the terms and conditions prescribed by Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 46–18895; Filed, Oct. 21, 1946; 8:47 a. m.]

[File Nos. 70–1250 and 59–85]

PENNSYLVANIA EDISON CO. ET AL.

ORDER RELEASING JURISDICTION OVER LEGAL FEES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of October 1946.

In the matters of Pennsylvania Edison Company, Pennsylvania Electric Company, Associated Electric Company, File No. 70–1250; Pennsylvania Edison Company, Associated Electric Company, File No. 59–85.

The Commission having, by order dated June 27, 1946, granted and permitted to become effective the applications-declarations, as amended, of Associated Electric Company, a registered holding company, and two of its public utility subsidiary companies, Pennsylvania Electric Company and Pennsylvania Edison Company, whereby, among other things, Pennsylvania Electric Company, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder, issued and sold, in accordance with the provisions of Rule U-50 promulgated under the said act, $23,500,000 principal amount of its 2¾% First Mortgage Bonds due 1976 and 101,000 shares of its $100 par value 3.70% series C cumulative preferred stock; and

The Commission having by said order reserved jurisdiction over all fees and expenses to be paid in connection with the proposed transactions; and

Counsel concerned having filed statements with respect to the nature of the services performed in connection with such issuance and sale, and it appearing to the Commission that the proposed fee of Ballard, Spahr, Andrews & Ingersoll, counsel for Pennsylvania Electric Company, in the amount of $40,000 and its expenses in an amount not to exceed $2,500, and the proposed revised fee of Davis, Polk, Wardwell, Sunderland & Kiendl, independent counsel for underwriters, in the amount of $20,000 and its expenses in an amount not to exceed $1,000, are for necessary expenses and not unreasonable;

It is ordered, That jurisdiction over the fees and expenses of the above named counsel proposed to be paid in connection with the said transactions be, and hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 46–18893; Filed, Oct. 21, 1946; 8:47 a. m.]

[File Nos. 70–1345 and 59–37]

CENTRAL ILLINOIS PUBLIC SERVICE CO. ET AL.

ORDER PERMITTING APPLICATIONS AND DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 15th day of October A. D. 1946.

In the matter of Central Illinois Public Service Company, The Middle West Corporation, Halsey, Stuart & Co., Inc., File No. 70–1345; Central Illinois Public Service Company, File No. 59–37.

Applications and declarations, and amendments thereto, having been filed pursuant to the Public Utility Holding Company Act of 1935, and the applicable Rules thereunder, by The Middle West Corporation, a registered holding company, and its subsidiary, Central Illinois Public Service Company, proposing a refinancing program of Central Illinois Public Service Company and related transactions, and Halsey, Stuart & Co., Inc. having joined such filing; and

The Commission having heretofore instituted proceedings with respect to Central Illinois Public Service Company under sections 11 (b) (2) and 15 (f) of the Public Utility Holding Company Act of 1935 and having reconvened and consolidated the hearing therein with the hearing on the present applications and declarations, without prejudice, however, to the right to separate for disposition any of the issues or questions and to take such other action as may appear necessary to the orderly and economical disposition of the issues involved; and

Hearings having been held in such matters and the Commission having considered the record and having made and filed its findings herein:

It is ordered, That said applications and declarations, as amended, be, and hereby are, granted and permitted to become effective, subject to the terms and conditions prescribed in Rule U–24 of the General Rules and Regulations under the Public Utility Holding Company Act of 1935, and subject to the further condition that the proposed issue and sale of preferred stock, pursuant to Rule U–50, shall not be consummated until the results of competitive bidding have been made a matter of record in this proceeding and a further order entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate, jurisdiction being reserved for this purpose.

It is further ordered, That jurisdiction be, and hereby is, reserved with respect to all issues and questions raised in connection with proceedings heretofore instituted under sections 11 (b) (2) and 15 (f) of the Public Utility Holding Company Act of 1935 involving Central Illinois Public Service Company.

It is further ordered, That the exemption of Halsey, Stuart & Co., Inc. from those provisions of the Public Utility Holding Company Act of 1935 which would require it to register because of its owning, controlling, or holding with power to vote ten per centum or more of the outstanding voting securities of Central Illinois Public Service Company shall be terminated by an order issuing as of course upon the expiration of one year from the date of acquisition of new common stock of Central Illinois Public Service Company, without prejudice, however, to the right of Halsey, Stuart & Co., Inc. to apply, on or before such date, for a further continuation of its exemption.

It is further ordered, That a copy of this order and the findings relating thereto be filed in this Commission's Docket No. 31–58, such docket being the record on the application filed by Halsey, Stuart & Co., Inc. for exemption from those provisions of the Public Utility Holding Company Act of 1935 which would require Halsey, Stuart & Co., Inc. to register under said act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 46–18894; Filed, Oct. 21, 1946; 8:47 a. m.]

[File No. 70–1366]

NY PA NJ UTILITIES CO. ET AL.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of October 1946.

In the matter of NY PA NJ Utilities Company, The Edison Illuminating Company of Easton, Metropolitan Edison Company, File No. 70–1366.

NY PA NJ Utilities Company ("NY PA NJ"), a registered holding company, Metropolitan Edison Company ("Met Ed"), a subsidiary of NY PA NJ, and The Edison Illuminating Company of Easton ("Edison"), a subsidiary of Met Ed, having filed a joint declaration pursuant to sections 12 (c), 12 (d) and 12 (f) of the Public Utility Holding Company Act of 1935 and Rules U–42, U–43 and U–44 promulgated thereunder in respect to the transaction which is summarized below:

Met Ed, having recently acquired all the issued and outstanding capital stock of Edison, proposes to merge Edison into itself and to surrender to Edison for cancellation all of the latter's issued and outstanding capital stock. As a result of such transaction, Met Ed will acquire all of the franchises and all the property of Edison. Edison has a charter right or primary franchise from the Commonwealth of Pennsylvania to supply electricity to the public in the City of Easton, Pennsylvania, and adjacent territory. Edison's physical property, consisting of overhead and underground electric distribution facilities and a parcel of real estate in the City of Easton, and its franchises are leased to Met Ed under a ninety-nine year lease dated February 1, 1900, as amended. Met Ed is presently operating said property as a part of its own electric system and paying the annual rental provided in the said lease, which is presently at the rate of $29,244.67 per annum. The proposed transaction was approved by the Pennsylvania Public Utility Commission by order dated September 30, 1946.

Said joint declaration having been filed on September 6, 1946, and the last amendment thereto having been filed on October 10, 1946, and notice of such filing having been duly given in the manner prescribed by Rule U–23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said joint declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission observing no basis for adverse findings under sections 12 (c), 12 (d) or 12 (f) of the act or rules promulgated thereunder, and finding

that the acquisition by Met Ed of the utility assets of Edison is exempt from the requirements of section 9 (a) and 10 by virtue of section 9 (b) (1), such acquisition having been approved by the Pennsylvania Public Utility Commission:

It is hereby ordered, Pursuant to said Rule U–23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U–24, that the aforesaid joint declaration, as amended, be, and hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 46–18897; Filed, Oct. 21, 1946; 8:46 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 598, Rev. Order 17]

WESTERN AUTO SUPPLY CO.

APPROVAL OF CEILING PRICES

Order No. 17 under Maximum Price Regulation No. 598 is revised and amended to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 15 of Maximum Price Regulation No. 598: *It is ordered:*

(a) This order establishes ceiling prices for sales at retail in each zone of the four models of private brand refrigerators listed below, sold by The Western Auto Supply Company, 2107 Grand Avenue, Kansas City, Mo., as follows:

Model No.	Ceiling prices for sales to consumers		
	Zone 1	Zone 2	Zone 3
WAM 746	$209.95	$214.95	$219.95
WAM 946	239.25	244.25	249.25
WAL 746	255.50	260.50	265.50
WAL 946	284.25	289.25	294.25

These retail ceiling prices fixed by this order include all increases permitted by sections 5 and 15 of Maximum Price Regulation No. 598 and may not, therefore, be increased in any amount. These prices include all the items listed in sections 24 (a), 24 (b), 24 (c), and 24 (d) of Maximum Price Regulation No. 598.

(b) For the purpose of this order Zones 1, 2 and 3 comprise the following states:

Zone 1—Illinois, Indiana, Kentucky, Missouri, Ohio and West Virginia.

Zone 2—Alabama, Arkansas, Connecticut, Delaware, Georgia, New Hampshire, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, New Jersey, New York, North Carolina, North Dakota, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, Wisconsin, and the District of Columbia.

Zone 3—Arizona, California, Colorado, Florida, Idaho, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming.

(c) All the provisions of Maximum Price Regulation No. 598 continue to apply to all sales and deliveries of refrigerators covered by this order, except to the extent that those provisions are modified by this order.

(d) Unless the context requires otherwise the definitions set forth in Maximum Price Regulation No. 598 shall apply to the terms used herein.

(e) This revised order may be revoked or amended by the Price Administrator at any time.

(f) This revised order shall become effective on the 22d day of October 1946.

Issued this 21st day of October 1946.

PAUL A. PORTER, *Administrator.*

Opinion Accompanying Revised Order No. 17 Under Maximum Price Regulation No. 598

Order No. 17 under Maximum Price Regulation No. 598 issued May 3, 1946 established retail ceiling prices for sales by retail stores of the Western Auto Supply Company, 2107 Grand Avenue, Kansas City 8, Missouri, and by Western Auto associate retail stores of four models of refrigerators manufactured for sale through Western Auto stores under the Western Auto private brand. Amendment 22 to Maximum Price Regulation No. 598 provides for recomputation of resale ceiling prices previously established for household mechanical refrigerators so that those prices returned to wholesale and retail distributors generally an average markup equal to that which they received on March 31, 1946. The same amendment also granted an additional industry-wide increase to manufacturers of refrigerators and permitted the increase to be passed through by resellers on a percentage basis. Some question has arisen as to the appropriate ceiling prices under section 15 of the private brand models covered by Order No. 17. In addition, it appears that the ceiling prices set by Order No. 17 for one of the four models, when adjusted in accordance with amendment 22 is substantially out of line with the level of retail ceiling prices set under Maximum Price Regulation No. 598 when the relationship of the ceiling prices set for the other three models to those set for the most comparable standard brand models produced by the same manufacturer is taken into account. Accordingly, this Office has decided to issue the accompanying revision of Order No. 17 to establish proper in line retail ceiling prices for all four models and to eliminate any possibility of confusion. The retail ceiling prices set return to resellers a percentage margin equal to the average percentage margin received by similar resellers on March 31, 1946 in connection with their sales of refrigerators. Therefore, the retail ceiling prices set by the accompanying revised order are in accordance with the requirements of section 2 (t) of the Emergency Price Control Act of 1942, as amended, and are in line with the level of retail ceiling prices set under Maximum Price Regulation No. 598.

[F. R. Doc. 46–18905; Filed, Oct. 21, 1946; 8:48 a. m.]

[SO 133, Order 80]

KITTINGER CO., INC.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to Supplementary Order No. 133, it is ordered:

(a) *Manufacturer's maximum prices.* Kittinger Company, Inc., 1893 Elmwood Avenue, Buffalo 7, New York, may increase its maximum prices properly established under Maximum Price Regulation No. 188 (exclusive of any adjustment charges) for articles of furniture which it manufactures by 16.6 percent of each such maximum prices.

(b) *Resellers' ceiling prices.* Resellers of articles which the manufacturer has sold at an adjusted ceiling price determined under this order shall determine their maximum prices as follows:

(1) A retailer who must determine his ceiling price under Maximum Price Regulation No. 580, and a wholesaler who must determine his ceiling prices under Maximum Price Regulation No. 590, shall compute their ceiling prices in the manner provided by those regulations. However, if the supplier's invoice states both an "unadjusted maximum price" and a selling price, the reseller shall compute his ceiling prices under those regulations as they have been modified by Order No. 480 under § 1499.159b of Maximum Price Regulation No. 188.

(2) A reseller who determines his maximum resale price under the General Maximum Price Regulation, and whose supplier's invoice states both an "unadjusted maximum price" and a selling price, shall compute his ceiling price under that regulation as modified by Order No. 4800 under § 1499.159b of Maximum Price Regulation No. 188.

If his supplier's invoice does not state an "unadjusted maximum price" the reseller shall calculate his ceiling prices by adding to his invoice cost the same percentage mark-up which he had on the "most comparable article" for which he has a properly established ceiling price. For this purpose, the "most comparable article" is the one which meets all of the following tests:

(i) It belongs to the narrowest trade category which includes the article being priced.

(ii) Both it and the article being priced were purchased from the same class of supplier.

(iii) Both it and the article being priced belong to a class of article to which, according to customary trade practices, an approximately uniform percentage mark-up is applied.

(iv) Its net replacement cost is nearest to the net cost of the article being priced.

The determination of a ceiling price in this way need not be reported to the Office of Price Administration; however, each seller must keep complete records showing all the information called for by OPA Form 620–759 with regard to how he determined his ceiling price, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

If the maximum resale price cannot be determined under the above method, the reseller shall apply to the Office of Price Administration for the establishment of a ceiling price under § 1499.3 (c) of the General Maximum Price Regulation. Ceiling prices established under that section shall reflect the supplier's prices as adjusted in accordance with this order.

(3) The provisions of Supplementary Order No. 153 shall not apply to the determination of ceiling prices for resales of articles covered by this order.

(c) *Terms of sale.* Ceiling prices adjusted by this order are subject to each seller's terms, discounts, and allowances on sales to each class of purchaser in effect during March 1942, or, thereafter, properly established under Office of Price Administration regulations.

(d) *Notification.* At the time of, or prior to the first invoice to a purchaser for resale on and after the effective date of this order, showing prices adjusted in accordance with this order, the seller shall notify the purchaser in writing of the method established in paragraph (b) of this order for determining adjusted maximum prices for resale of the articles. This notice may be given in any convenient form.

(e) The manufacturer shall file the report described in section 5 of Supplementary Order No. 133 (which shall include a beginning and ending physical inventory) with the Office of Price Administration, Washington 25, D. C., and shall comply with the invoicing and reporting provisions of Order No. 4800 under Maximum Price Regulation No. 188.

(f) This order may be revoked or amended by the Price Administrator at any time.

(g) This order shall become effective on the 21st day of October 1946.

Issued this 21st day of October 1946.

PAUL A. PORTER,
Administrator.

Opinion Accompanying Order No. 80 Under Supplementary Order No. 133

Kittinger Company, Inc., 1893 Elmwood Avenue, Buffalo 7, New York, filed an application under the provisions of Revised Supplementary Order No. 119 for an adjustment of the maximum prices of articles in its line of upholstered and wood furniture. Amendment 16 to Revised Supplementary Order No. 119 was issued subsequent to the filing of that application but before completion of its processing. Accordingly, the application was considered under the provisions of Revised Supplementary Order No. 119 as changed by Amendment 16.

Revised Supplementary Order No. 119, as amended, provides that a manufacturer who has achieved a unit rate of production over a three months period which is equal to 90 percent or more of his unit rate of production for that product in 1941 is no longer eligible to relief under the order. From information submitted by the manufacturer it appears that his current unit rate of production is 90% or more as great as the average unit rate of production during 1941. Therefore, the manufacturer is no longer eligible for an adjustment under Revised Supplementary Order No. 119.

Section 9 of Supplementary Order No. 133, however, provides that an application filed pursuant to one adjustment provision may also be considered under other applicable adjustment provisions. The application has, therefore, been considered under the terms of Supplementary Order No. 133.

Supplementary Order No. 133 authorizes the granting of an increase in the maximum prices of a manufacturer when his products are covered by Maximum Price Regulation No. 188, if the manufacturer shows that unless an adjustment is authorized he will be compelled to conduct his entire business operations at a loss. In addition, it must appear that the loss is not due to any of the factors listed in section 3 (b) of Supplementary Order No. 133.

The information submitted demonstrates that the articles in question are covered by Maximum Price Regulation No. 188; that the manufacturer's current over-all operations are being conducted at a loss; and that such loss is not occasioned by any of the factors listed in section 3 (b) of Supplementary Order No. 133. Therefore, the accompanying order permits a uniform percentage increase in the manufacturer's maximum prices with respect to the articles of furniture which it manufactures.

In compliance with the requirements of section 5 of Supplementary Order No. 133, the manufacturer is advised of his duty to file a profit and loss statement including a beginning and ending physical inventory covering the first three months of his operations under this order with the Office of Price Administration, Washington, D. C., within four months after the effective date of this order. Since the provisions of Order No. 4800 under Maximum Price Regulation No. 188 are also applicable, the manufacturer is further informed of his duty to file the report required by section 9 of that order together with the necessity of furnishing an invoice to purchasers for resale setting forth an unadjusted maximum price as required by Order No. 4800.

Purchasers for resale of the articles which the manufacturer sells at adjusted prices are permitted to pass on to their customers, the amount of the increase permitted by the accompanying order which is in excess of that authorized for the manufacturer's industry generally by Order No. 4800 under § 1499.159b of Maximum Price Regulation No. 188. This follows from the requirements contained in Order No. 4800 under § 1499.159b of Maximum Price Regulation No. 188 under which the manufacturer must furnish his purchasers for resale with an invoice of a particular type and under which purchasers for resale are given fixed rules as to how they determine their resale ceiling prices. This is in accordance with the policy of the Office of Price Administration in cases where industry-wide actions have been taken with respect to a particular commodity, and a manufacturer of that commodity has also qualified for an individual adjustment in excess of that granted the industry generally.

[F. R. Doc. 46-18928; Filed, Oct. 21, 1946; 8:53 a. m.]

[MPR 64, Order 332]

THERMADOR ELECTRICAL MFG. CO.

APPROVAL OF CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 11 of Maximum Price Regulation No. 64, it is ordered:

(a) *Ceiling prices.* This order establishes ceiling prices for sales of certain models of electric cooking ranges manufactured by Thermador Electrical Mfg. Company, 5119 District Boulevard, Los Angeles 22, Calif.

(1) For sales in each zone by wholesale distributors to retail dealers the ceiling prices are those set forth below:

Model	Quantity	Distributor to dealer			
		Zone 1	Zone 2	Zone 3	Zone 4
T-16	1 to 4	$83.56	$84.64	$85.35	$86.91
	5 or more	80.46	81.50	82.16	83.67
T-36	1 to 4	154.98	156.59	157.46	159.86
	5 or more	149.22	150.75	151.59	153.90
T-36H	1 to 4	171.81	173.37	174.21	176.70
	5 or more	165.41	166.92	167.73	170.11
T-46	1 to 4	167.57	169.28	170.37	172.99
	5 or more	161.33	162.96	164.01	166.52
T-46H	1 to 4	184.44	186.04	187.06	189.71
	5 or more	177.56	179.12	180.09	182.63
T-56	1 to 4	251.61	253.69	254.87	258.22
	5 or more	242.25	244.25	245.40	248.60

These prices are f. o. b. the wholesale distributor's city and include the Federal excise tax. If the distributor sells a stove equipped at the factory with any of the items listed below, he may add to the applicable ceiling price for the stove shown above an amount no greater than that set forth below opposite that item of equipment:

	Quantity	
	1-4	5 or more
Electric kitchen heater and fan	$21.04	$20.27
Light with switch, complete	6.41	6.16
Condiment set	.89	.85
Broiler pan	1.38	1.34
Warmer drawer and assembly	4.21	4.06

In all other respects these prices are subject to each seller's customary terms, discounts, allowances, and other price differentials in effect on sales of similar articles.

(2) For sales in each zone by retail dealers to ultimate consumers the ceiling prices are those set forth below:

Model	Dealer to consumer			
	Zone 1	Zone 2	Zone 3	Zone 4
T-16	$130.25	$131.75	$132.75	$135.00
T-36	241.50	243.75	245.00	248.50
T-36H	267.75	270.00	271.25	274.75
T-46	261.25	263.75	265.25	269.00
T-46H	287.50	289.75	291.25	295.00
T-56	392.00	395.00	396.75	401.50

These prices include the Federal excise tax, delivery, a one-year warranty, and installation where the installation requires only that the range be connected to electric facilities provided by the consumer and such connection does not require any additional materials. If a range cord set (customarily referred to

in the industry as a "pigtail") is required and is furnished by the retail dealer he may add $3.50 to the OPA retail ceiling price of the range as set forth above. If a dealer sells a stove equipped at the factory with any of the items listed below, he may add to the applicable ceiling price for the stove shown above an amount no greater than that set forth below opposite that item of equipment:

Electric kitchen heater and fan	$32.75
Light with switch, complete	10.00
Condiment set	1.40
Broiler pan	2.15
Warmer drawer element and assembly	6.50

In all other respects these ceiling prices are subject to each seller's customary terms, discounts, allowances, and other price differentials in effect on sales of similar articles.

(b) *Notification.* At the time of, or prior to, the first invoice to each purchaser for resale after the effective date of this order, the manufacturer shall notify the purchaser of the ceiling prices and conditions established by this order for resales by the purchaser. This notice may be given in any convenient form.

(c) *Labelling.* The manufacturer, before shipping any range covered by this order to a purchaser for resale, shall attach securely to the outside panel of the oven door of each range a label which contains the following information:

(1) The brand name and model number of the range.

(2) Its OPA retail ceiling price in each zone.

(3) A statement that the ceiling prices shown include the Federal excise tax, delivery, a one year warranty and installation where the installation requires only that the range be connected to electric facilities provided by the consumer and such connection does not require additional materials.

(4) A statement that if the installation requires the use of a range cord set (customarily referred to in the industry as a "pigtail") and such a set is furnished by the retail dealer he may add $3.50 to his OPA retail ceiling price for the range.

(5) A list of the areas included in each zone.

(d) The ceiling prices established by this order supersede those estbalished for the same ranges by Order No. 307 under Maximum Price Regulation No. 64. All the provisions of Maximum Price Regulation No. 64 continue to apply to sales of articles covered by this order, except to the extent that they are modified by this order. The ceiling prices established by this order have been determined in accordance with sections 11a and 11b of that regulation and may not, therefore, be increased under those sections.

(e) Unless the context requires otherwise, the definitions set forth in the various sections of Maximum Price Regulation No. 64 shall apply to the terms used herein.

(f) For purposes of this order areas 1, 2, 3 and 4 comprise the following areas:

Area 1. The following counties in the southern part of California: Kern, Santa Barbara, Los Angeles, Ventura, Orange, Riverside, San Diego and Imperial.

Area 2. That part of the state of California not included in Area 1.

Area 3. Nevada, Oregon and Washington.

Area 4. Idaho, Utah, Colorado, New Mexico and Arizona.

(g) This order may be revoked or amended by the Price Administrator at any time.

(h) This order shall become effective on the 22d day of October 1946.

Issued this 21st day of October 1946.

PAUL A. PORTER,
Administrator.

Opinion Accompanying Order No. 332 Under Maximum Price Regulation No. 64

Section 11b (c) of Maximum Price Regulation No. 64 required manufacturers of stoves subject to preticketing by the manufacturer having retail ceiling prices fixed prior to August 19, 1946, to recompute those ceiling prices so as to insure the return to retailers of a percentage markup over their current invoice cost equal to the average percentage markup which they received on sales of the same or similar stoves on March 31, 1946. To achieve this result the manufacturer was required to determine a markup factor for each stove applicable to his current ceiling prices to distributors, or, if he did not sell to distributors, to his largest class of purchaseer, by dividing his March 31, 1946 ceiling price to that class by his March 31, 1946, retail ceiling price for his most comparable stove in Zone 1.

The Thermador Electrical Mfg. Company, Los Angeles, California, hereinafter referred to as the applicant, did not have resale ceiling prices established under Maximum Price Regulation No. 64 on March 31, 1946, for the electric ranges it is now offering for sale. The resale ceiling prices so established were not fixed until after March 31, 1946. Hence the applicant had no models in his line on March 31, 1946, which he could use to determine a markup factor to be applied to his current ceiling prices for sales to his largest buying class of purchaser to enable him to recompute the retail ceiling prices of his ranges in accordance with section 11b (c) of Maximum Price Regulation No. 64. It is, therefore, necessary to issue an order establishing new retail ceiling prices for each stove now in his line under section 11 of Maximum Price Regulation No. 64 which provides that orders may be issued establishing retail ceiling prices whenever a manufacturer's ceiling prices have been determined under the regulation.

The retail ceiling prices established by the accompanying order were determined by dividing the retail ceiling price in Zone 1 which would have been established under Maximum Price Regulation No. 64 for the same stove on March 31, 1946, by the applicant's ceiling price to his largest buying class of purchaser as it would have been set under the same regulation on the same date, and applying the resulting markup factor to the applicant's current ceiling price under Maximum Price Regulation No. 64 to the same class of purchaser. The resulting ceiling prices return to the retailers a percentage markup equal to the average percentage markup they would have received on March 31, 1946, in connection with sales of the same stove. Similarly, the resale ceiling prices for sales by wholesale distributors to retail dealers were determined by allotting to wholesale distributors the same proportion of the gross dollar margin between the applicant's ceiling price to them and the retail ceiling price as they would have received on March 31, 1946, of the spread between the corresponding ceiling prices as they would have been set on that date under Maximum Price Regulation No. 64. The resale ceiling prices established are, therefore, in accordance with the requirements of section 2 (t) of the Emergency Price Control Act of 1942, as amended and in line with the level of ceiling prices fixed under Maximum Price Regulation No. 64.

The accompanying order requires compliance with the notification, preticketing, terms of sale and other general provisions of Maximum Price Regulation No. 64.

[F. R. Doc. 46-18929; Filed, Oct. 21, 1946; 8:53 a. m.]

[MPR 591, Revocation of Order 310]

BORG-WARNER CORP.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 310 under Maximum Price Regulation 591 established maximum prices for sales by the Ingersoll Steel and Disc Division Borg-Warner Corporation, of certain blower assemblies and housings. However, this product is not covered by Maximum Price Regulation 591. Order 310 is revoked by the within order, so that the subject product can be priced under the properly applicable Revised Maximum Price Regulation 136.

After due consideration and pursuant to section 9 of Maximum Price Regulation 591; *It is ordered:*

Order 310 under section 9 of Maximum Price Regulation 591 is hereby revoked.

Issued and effective this 21st day of October 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-18931; Filed, Oct. 21, 1946; 8:52 a. m.]

[MPR 591, Amdt. 2 to Order 624]

KALAMAZOO STOVE AND FURNACE CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591; *It is ordered:*

Order No. 624 under section 9 of Maximum Price Regulation No. 591 is amended in the following respects:

1. Paragraph (a) is amended to read as follows:

The maximum net prices for sales by any person of the following cast iron coal fired furnaces, manufactured by the Kalamazoo Stove and Furnace Company and as described in its application shall be:

Model No.	Delivered on sales to dealer	Delivered on sales to consumer	F. o. b. on sales to department store	F. o. b. on sales to distributors
F 40	$106.07	$145.25	$87.15	$72.63
F 44	108.11	149.47	89.68	74.73
F 48	115.97	162.21	97.33	81.10
F 52	119.89	171.27	102.76	85.64

This amendment shall become effective October 22, 1946.

Issued this 21st day of October 1946.

PAUL A. PORTER,
Administrator.

Opinion Accompanying Amendment No. 2 to Order 624 Under Section 9 of Maximum Price Regulation No. 591

The purpose of this amendment is to reflect the industry wide increase authorized by Amendment No. 25 to section 5.1 of Order 1 under Maximum Price Regulation No. 591, dated August 23, 1946, which was not included in the price authorized by Amendment No. 1 to Order 624.

In view of the above consideration the Administrator finds that this amendment is neceessary and consistent with the purposes and standards of the Emergency Price Control Act of 1942, as amended and Executive Orders of the President.

[F. R. Doc. 46-18932; Filed, Oc. 21, 1946; 8:52 a. m.]

[MPR 592, Order 165]

PITTSBURGH STEEL CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 165 under section 16 of Maximum Price Regulation No. 592. Specified construction materials and refractories. Pittsburgh Steel Company. Docket No. 6122-592.16-368.

For reasons set forth in an opinion issued simultaneously herewith and pursuant to section 16 of Maximum Price Regulation 592; *It is ordered:*

(a) The maximum prices for sales of the following products by the Pittsburgh Steel Company of Pittsburgh, Pennsylvania, to its various classes of purchasers may be increased by amounts not in excess of the following:

	Per. sq. yd.
Steeltex for plaster-type A	$0.05
Steeltex for stucco, in rolls or sheets	.025
Steeltex style P-216	.025
Steeltex for masonry veneer	.03
Steeltex for floor lath	[1] .14

[1] Per 100 square feet.

(b) Pittsburgh Steel Company, Pittsburgh, Pennsylvania may charge extra fixed charges for painting, for supplying extra widths, or changing the type of material used, not in excess of such extra charges as were charged by him on March 1, 1942.

(c) Any person, including any person covered by an area pricing order under General Order 68, purchasing any of the items described in (a) above for resale in the same form from the Pittsburgh Steel Company at prices modified in accordance with (a) above, may increase his presently established maximum prices by the following percentages depending on the zone in which he is located.

(1) When purchased from the manufacturer in carload quantities:

Item	Zone 1	2	3	4	5	6	7
Steeltex for plaster—type A	27.0	27.0	26.5	25.5	24.5	23.5	23.5
Steeltex for stucco—rolls	10.5	10.0	10.0	10.0	9.5	9.0	9.0
Steeltex for stucco—sheets	10.0	10.0	9.5	9.5	9.0	8.5	9.0
Steeltex style P-216	12.0	12.0	11.5	11.5	11.0	10.5	10.5
Steeltex for masonry veneer	14.0	14.0	14.0	13.5	13.0	12.5	13.0
Steeltex floor lath	4.0	4.0	3.5	3.5	3.5	3.5	3.5

(2) When purchased from the manufacturer in less-than-carload quantities:

Item	Zone 1	2	3	4	5	6	7
Steeltex for plaster—type A	25.0	23.0	22.0	21.0	19.0	20.0	20.5
Steeltex for stucco—rolls	9.5	9.0	9.0	8.5	7.5	8.0	8.0
Steeltex for stucco—sheets	9.0	9.0	8.5	8.0	7.0	7.5	8.0
Steeltex style P-216	11.0	10.5	10.0	10.0	9.0	9.0	9.5
Steeltex for masonry veneer	13.0	13.0	12.0	12.0	10.5	11.0	11.5
Steeltex floor lath	3.5	3.5	3.5	3.0	3.0	3.0	3.0

Zones are defined as those established and currently used by metal lath producers which are on file with the Office of Price Administration, Building Materials Price Branch, Washington 25, D. C., and which is open to inspection.

(d) The maximum prices established herein shall be subject to cash, quantity, and other discounts, transportation allowances, services, and other terms and conditions of sale at least as favorable as the seller extended or rendered on comparable sales to purchasers of the same class during March 1942.

(e) All requests of the application not granted herein are denied.

(f) This order may be amended or revoked by the Administrator at any time.

This Order No. 165 shall become effective October 22, 1946.

Issued this 21st day of October 1946.

PAUL A. PORTER,
Administrator.

Opinion Accompanying Order No. 165 Under Section 16 of Maximum Price Regulation No. 592

The Pittsburgh Steel Company of Pittsburgh, Pennsylvania, on August 1, 1946, requested an upward adjustment of its maximum prices on Steeltex plaster base products which it manufactures and sells. The application was processed pursuant to the provisions of section 16 of Maximum Price Regulation 592.

This Office has examined the applicant's over-all financial and cost data for the base period years, 1936-1939, inclusive, and the first six months of 1946. From the data submitted, it appears that the applicant's current over-all operations are being conducted at a loss and that its presently established maximum prices for Steeltex plaster base products are less than its total costs to produce and sell these items.

Under section 16, the limit of adjustment on a product cannot exceed the amount necessary to cover total costs plus a reasonable profit. Accordingly, on the basis of the cost and financial data submitted, the adjustment permitted by the accompanying order enables the applicant to realize total costs for producing and selling these products plus a reasonable profit.

Resellers in each indicated zone, including those covered by area pricing orders, who purchase Steeltex for resale in the same form, are permitted to increase their maximum prices by specific percentages depending on the zone in which the reseller is located. The specific percentages are designed to enable resellers to realize their same percentage margins.

[F. R. Doc. 46-18933; Filed, Oct. 21, 1946; 8:51 a. m.]

[MPR 592, Order 166]

NATIONAL FIREPROOFING CORP.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 166 under section 16 of Maximum Price Regulation No. 592. Specified construction materials and refractories. National Fireproofing Corporation. Docket No. 6122-592.16-454.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 16 of Maximum Price Regulation No. 592, *It is ordered:*

(a) The maximum net prices for sales by the National Fireproofing Corporation, Pittsburgh, Pennsylvania of structural hollow tile produced at its Magnolia, Ohio and Birmingham, Michigan plants to its various classes of purchasers may be increased by an amount not in excess of $0.50 per ton.

(b) Any person purchasing any of the products covered by this order produced by the National Fireproofing Corporation, Pittsburgh, Pennsylvania, at its Magnolia, Ohio and Birmingham, Michigan plants for the purpose of resale in the same form may increase his presently established prices under the General Maximum Price Regulation by adding the percentage increase in cost actually resulting to him from the increase permitted the manufacturer in (a) above. Notwithstanding the provisions of this

paragraph, in any area where specific maximum prices are fixed by an area princing order such specific maximum prices shall apply in that area.

(c) All requests of the application not granted herein are denied.

(d) This order may be amended or revoked by the Office of Price Administration at any time.

This order shall become effective October 22, 1946.

Issued this 21st day of October 1946.

PAUL A. PORTER,
Administrator.

Opinion Accompanying Order No. 166 Under Section 16 of Maximum Price Regulation No. 592

The National Fireproofing Corporation, Pittsburgh, Pennsylvania, has applied for an adjustment in its maximum selling prices for structural hollow tile which it produces. This application is based upon increased labor costs resulting from putting into effect certain wage and salary increases approved in accordance with Executive Order No. 9697. This application has been processed under section 16 of Maximum Price Regulation 592.

The facts in this case indicate that the applicant has met the eligibility requirements set forth under section 16 of Maximum Price Regulation 592. The latter section provides for various adjustments depending upon the applicant's current over-all profitability. The Administrator, in the interest of expedient action based upon wage price applications, has completed studies of this industry generally, and is, in the instance of this and other similar applications, applying to individual applications determinations which generally accord with the tests set forth in section 16, and which are in conformance with office policy. The adjustment granted in the accompanying order will compensate the applicant only for that portion of the approved wage or salary increase which it appears the applicant cannot absorb out of the adjustment permitted the clay brick and tile industry under section 2.1 (k) of Order No. 1 under Maximum Price Regulation 592, issued September 18, 1945. Should the applicant have factors other than those considered in this action which warrant further adjustment of maximum prices, he may apply for adjustment based on such other factors.

Resellers (except in areas where specific maximum prices are established by area orders) are permitted to increase their existing maximum prices by the percentage increase in cost to them resulting from the increase granted the manufacturer. Thus, these resellers will continue to realize the same percentage margin. The accompanying order does not, however, permit resellers to increase their maximum prices where such prices are established by dollars-and-cents area pricing orders. In the latter case, appropriate adjustments of such orders will be made where necessary.

[F. R. Doc. 46-18934; Filed, Oct. 21, 1946; 8:51 a. m.]

[MPR 592, Order 167]

MARTINSVILLE BRICK CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 167 under section 16 of Maximum Price Regulation No. 592. Specified construction materials and refractories. Martinsville Brick Company. Docket No. 6123-592.16-445.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 16 of Maximum Price Regulation No. 592; *It is ordered:*

(a) The maximum net prices for sales by the Martinsville Brick Company, Martinsville, Indiana, of brick and structural hollow tile to its various classes of purchasers may be increased by an amount not in excess of $1.75 per M for standard size brick equivalents and by an amount not in excess of $0.70 per ton for structural hollow tile.

(b) If the Martinsville Brick Company, Martinsville, Indiana, had an established differential in price during the month of March 1942 for nonstandard sizes of brick it may convert the adjustment granted herein for standard size brick on the basis of the conversion factors or formulae in use by it during March 1942 in establishing price differentials between standard size brick and the other sizes.

(c) Any person purchasing any of the products covered by this order produced by the Martinsville Brick Company, Martinsville, Indiana, for the purpose of resale in the same form may increase his presently established prices under the General Maximum Price Regulation by adding the percentage increase in cost actually resulting to him from the increase permitted the manufacturer in (a) above. Notwithstanding the provisions of this paragraph, in any area where specific maximum prices are fixed by an area pricing order such specific maximum prices shall apply in that area.

(d) All requests of the application not granted herein are denied.

(e) This order may be amended or revoked by the Office of Price Administration at any time.

This order shall become effective October 22, 1946.

Issued this 21st day of October 1946.

PAUL A. PORTER,
Administrator.

Opinion Accompanying Order No. 167 Under Section 16 of Maximum Price Regulation No. 592

The Martinsville Brick Company, Martinsville, Indiana, has applied for an adjustment in its maximum selling prices for brick and structural hollow tile which it produces. This application is based upon increased labor costs resulting from putting into effect certain wage and salary increases approved in accordance with Executive Order No. 9697. This application has been processed under section 16 of Maximum Price Regulation 592.

The facts in this case indicate that the applicant has met the eligibility requirements set forth under section 16 of Maximum Price Regulation 592. The latter section provides for various adjustments depending upon the applicant's current over-all profitability. The Administrator, in the interest of expedient action based upon wage price applications, has completed studies of this industry generally, and is, in the instance of this and other similar applications, applying to individual applications determinations which generally accord with the tests set forth in section 16, and which are in conformance with office policy. The adjustment granted in the accompanying order will compensate the applicant only for that portion of the approved wage or salary increase which it appears the applicant cannot absorb out of the adjustment permitted the clay brick and tile industry under section 2.1 (k) of Order No. 1 under Maximum Price Regulation 592, issued September 18, 1945. Should the applicant have factors other than those considered in this action which warrant further adjustment of maximum prices, he may apply for adjustment based on such other factors.

Resellers (except in areas where specific maximum prices are established by area orders) are permitted to increase their existing maximum prices by the percentage increase in cost to them resulting from the increase granted the manufacturer. Thus, these resellers will continue to realize the same percentage margin. The accompanying order, does not, however, permit resellers to increase their maximum prices where such prices are established by dollars-and-cents area pricing orders. In the latter case, appropriate adjustments of such orders will be made where necessary.

[F. R. Doc. 46-18935; Filed, Oct. 21, 1946; 8:45 a. m.]

[MPR 592, Order 168]

WATSONTOWN BRICK CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 168 under section 16 of Maximum Price Regulation No. 592. Specified construction materials and refractories. Watsontown Brick Company. Docket No. 6122-592.16-449.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 16 of Maximum Price Regulation No. 592; *It is ordered:* (a) The maximum net prices for sales by the Watsontown Brick Company, Watsontown, Pa., of brick and structural hollow clay tile to its various classes of purchasers may be increased by an amount not in excess of $0.25 per M standard size brick equivalents and by an amount not in excess of $0.10 per ton for structural hollow tile.

(b) If the Watsontown Brick Company, Watsontown, Pa., had an established differential in price during the month of March 1942 for nonstandard sizes of brick it may convert the adjustment granted herein for standard size brick on the basis of the conversion factors or formulae in use by it during March 1942 in establishing price differentials between standard size brick and the other sizes.

(c) Any person purchasing any of the products covered by this order produced by the Watsontown Brick Company, Watsontown, Pennsylvania, for the purpose of resale in the same form may increase his presently established prices under the General Maximum Price Regulation by adding the percentage increase in cost actually resulting to him from the increase permitted the manufacturer in (a) above. Notwithstanding the provisions of this paragraph, in any area where specific maximum prices are fixed by an area pricing order such specific maximum prices shall apply in that area.

(d) All requests of the application not granted herein are denied.

(e) This order may be amended or revoked by the Office of Price Administration at any time.

This order shall become effective October 22, 1946.

Issued this 21st day of October 1946.

PAUL A. PORTER,
Administrator.

Opinion Accompanying Order No. 168 Under Section 16 of Maximum Price Regulation No. 592

The Watsontown Brick Company, Watsontown, Pennsylvania, has applied for an adjustment in its maximum selling prices for brick and structural hollow clay tile which it produces. This application is based upon increased labor costs resulting from putting into effect certain wage and salary increases approved in accordance with Executive Order No. 9697. This application has been processed under section 16 of Maximum Price Regulation 592.

The facts in this case indicate that the applicant has met the eligibility requirements set forth under section 16 of Maximum Price Regulation 592. The latter section provides for various adjustments depending upon the applicant's current over-all profitability. The Administrator, in the interest of expedient action based upon wage price applications, has completed studies of this industry generally, and is, in the instance of this and other similar applications, applying to individual applications determinations which generally accord with the tests set forth in section 16, and which are in conformance with office policy. The adjustment granted in the accompanying order will compensate the applicant only for that portion of the approved wage or salary increase which it appears the applicant cannot absorb out of the adjustment permitted the clay brick and tile industry under section 2.1 (k) of Order No. 1 under Maximum Price Regulation 592, issued September 18, 1945. Should the applicant have factors other than those considered in this action which warrant further adjustment of maximum prices, he may apply for adjustment based on such other factors.

Resellers (except in areas where specific maximum prices are established by area orders) are permitted to increase their existing maximum prices by the percentage increase in cost in them resulting from the increase granted the manufacturer. Thus, these resellers will continue to realize the same percentage margin. The accompanying order, does not, however, permit resellers to increase their maximum prices where such prices are established by dollars-and-cents area pricing orders. In the latter case, appropriate adjustments of such orders will be made where necessary.

[F. R. Doc. 46-18936; Filed, Oct. 21, 1946; 8:46 a. m.]

[MPR 592, Order 169]

RICHLAND SHALE BRICK CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 169 under section 16 of Maximum Price Regulation No. 592. Specified construction materials and refractories. Richland Shale Brick Company, Docket No. 6122-592-16-446.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 16 of Maximum Price Regulation No. 592; *It is ordered:* (a) That maximum net prices for sales by the Richland Shale Brick Company, Mansfield, Ohio, of brick and structural hollow tile to its various classes of purchasers may be increased by an amount not in excess of $1.50 per M for standard size brick equivalents and by an amount not in excess of $0.60 per ton for structural hollow tile.

(b) If the Richland Shale Brick Company, Mansfield, Ohio, had an established differential in price during the month of March 1942 for nonstandard sizes of brick it may convert the adjustment granted herein for standard size brick on the basis of the conversion factors or formulae in use by it during March 1942 in establishing price differentials between standard size brick and the other sizes.

(c) Any person purchasing any of the products covered by this order produced by the Richland Shale Brick Company, Mansfield, Ohio, for the purpose of resale in the same form may increase his presently established prices under the General Maximum Price Regulation by adding the percentage increase in cost actually resulting to him from the increase permitted the manufacturer in (a) above. Notwithstanding the provisions of this paragraph, in any area where specific maximum prices are fixed by an area pricing order such specific maximum prices shall apply in that area.

(d) All requests of the application not granted herein are denied.

(e) This order may be amended or revoked by the Office of Price Administration at any time.

This order shall become effective October 22, 1946.

Issued this 21st day of October 1946.

PAUL A. PORTER,
Administrator.

Opinion Accompanying Order No. 169 Under Section 16 of Maximum Price Regulation No. 592

The Richland Shale Brick Company, Mansfield, Ohio, has applied for an adjustment in its maximum selling prices for brick and structural hollow tile which it produces. This application is based upon increased labor costs resulting from putting into effect certain wage and salary increases approved in accordance with Executive Order No. 9697. This application has been processed under section 16 of Maximum Price Regulation 592.

The facts in this case indicate that the applicant has met the eligibility requirements set forth under section 16 of Maximum Price Regulation 592. The latter section provides for various adjustments depending upon the applicant's current over-all profitability. The Administrator, in the interest of expedient action based upon wage price applications, has completed studies of this industry generally, and is, in the instance of this and other similar applications, applying to individual applications determinations which generally accord with the tests set forth in section 16, and which are in conformance with office policy. The adjustment granted in the accompanying order will compensate the applicant only for that portion of the approved wage or salary increase which it appears the applicant cannot absorb out of the adjustment permitted the clay brick and tile industry under section 2.1 (k) of Order No. 1 under Maximum Price Regulation 592, issued September 18, 1945. Should the applicant have factors other than those considered in this action which warrant further adjustment of maximum prices, he may apply for adjustment based on such other factors.

Resellers (except in areas where specific maximum prices are established by area orders) are permitted to increase their existing maximum prices by the percentage increase in cost to them resulting from the increase granted the manufacturer. Thus, these resellers will continue to realize the same percentage margin. The accompanying order does not, however, permit resellers to increase their maximum prices where such prices are established by dollars-and-cents area pricing orders. In the latter case, appropriate adjustment of such orders will be made where necessary.

[F. R. Doc. 46-18937; Filed, Oct. 21, 1946; 8:46 a. m.]

[MPR 592, Order 170]

COLUMBIA BRICK & TILE CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 170 under section 16 of Maximum Price Regulation No. 592. Specified construction materials and refractories. Columbia Brick and Tile Company. Docket No. 6122-592.16—368.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 16 of Maximum Price Regulation No. 592; *It is ordered:* (a) The maximum net prices for sales by the Columbia Brick and Tile Co., Columbia, Mo. of clay building brick and structural hollow tile to its various classes of purchasers may be increased by an amount not in excess of $1.25 per M for standard size brick equivalents or by an amount

not in excess of $0.50 per ton for structural hollow tile.

(b) If the Columbia Brick and Tile Company, Columbia, Mo., had an established differential in price during the month of March 1942 for non-standard sizes of brick it may convert the adjustment granted herein for standard size brick on the basis of the conversion factors or formulae in use by it during March 1942 in establishing price differentials between standard size brick and the other sizes.

(c) Any person purchasing any of the products covered by this order produced by the Columbia Brick and Tile Company, Columbia, Mo., for the purpose of resale in the same form may increase his presently established prices under the General Maximum Price Regulation by adding the percentage increase in cost actually resulting to him from the increase permitted the manufacturer in (a) above. Notwithstanding the provisions of this paragraph, in any area where specific maximum prices are fixed by an area pricing order such specific maximum prices shall apply in that area.

(d) All requests of the application not granted herein are denied.

(e) This order may be amended or revoked by the Office of Price Administration at any time.

This order shall become effective October 22, 1946.

Issued this 21st day of October 1946.

PAUL A. PORTER,
Administrator.

Opinion Accompanying Order No. 170 Under Section 16 of Maximum Price Regulation No. 592

The Columbia Brick and Tile Company, Columbia, Missouri has applied for an adjustment in its maximum selling prices for clay building brick and structural hollow tile which it produces. This application is based upon increased labor costs resulting from putting into effect certain wage and salary increases approved in accordance with Executive Order No. 9697. This application has been processed under section 16 of Maximum Price Regulation 592.

The facts in this case indicate that the applicant has met the eligibility requirements set forth under section 16 of Maximum Price Regulation 592. The latter section provides for various adjustments depending upon the applicant's current over-all profitability. The Administrator, in the interest of expedient action based upon wage price applications, has completed studies of this industry generally, and is, in the instance of this and other similar applications, applying to individual applications determinations which generally accord with the tests set forth in section 16, and which are in conformance with office policy. The adjustment granted in the accompanying order will compensate the applicant only for that portion of the approved wage or salary increase which it appears the applicant cannot absorb out of the adjustment permitted the clay brick and tile industry under section 2.1 (k) of Order No. 1 under Maximum Price Regulation 592 issued September 18, 1945. Should the applicant have factors other than those considered in this action which warrant further adjustment of maximum prices, he may apply for adjustment based on such other factors.

Resellers (except in areas where specific maximum prices are established by area orders) are permitted to increase their existing maximum prices by the percentage increase in cost to them resulting from the increase granted the manufacturer. Thus, these resellers will continue to realize the same percentage margin. The accompanying order does not, however, permit resellers to increase their maximum prices where such prices are established by dollars-and-cents area pricing orders. In the latter case, appropriate adjustments of such orders will be made where necessary.

[F. R. Doc. 46-18938; Filed, Oct. 21, 1946; 8:47 a. m.]

[MPR 592, Order 171]

DES MOINES CLAY CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 171 under section 16 of Maximum Price Regulation No. 592. Specified construction materials and refractories. Des Moines Clay Company. Docket No. 6122-592.16-453.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 16 of Maximum Price Regulation No. 592; *It is ordered:*

(a) The maximum net prices for sales by the Des Moines Clay Company, Des Moines, Iowa of brick and structural hollow clay tile to its various classes of purchasers may be increased by an amount not in excess of $1.50 per M for standard size brick equivalents and by an amount not in excess of $0.60 per ton for structural hollow tile.

(b) If the Des Moines Clay Company, Des Moines, Iowa had an established differential in price during the month of March 1942 for nonstandard sizes of brick it may convert the adjustment granted herein for standard size brick on the basis of the conversion factors or formulae in use by it during March 1942 in establishing price differentials between standard size brick and the other sizes.

(c) Any person purchasing any of the products covered by this order produced by the Des Moines Clay Company, Des Moines, Iowa for the purpose of resale in the same form may increase his presently established prices under the General Maximum Price Regulation by adding the percentage increase in cost actually resulting to him from the increase permitted the manufacturer in (a) above. Notwithstanding the provisions of this paragraph, in any area where specific maximum prices are fixed by an area pricing order such specific maximum prices shall apply in that area.

(d) All requests of the application not granted herein are denied.

(e) This order may be amended or revoked by the Office of Price Administration at any time.

This order shall become effective October 22, 1946.

Issued this 21st day of October 1946.

PAUL A. PORTER,
Administrator.

Opinion Accompanying Order No. 171 Under Section 16 of Maximum Price Regulation No. 592

The Des Moines Clay Company, Twenty-fifth and Aurora, Des Moines, Iowa, has applied for an adjustment in its maximum selling prices for brick and structural tile which it produces. This application is based upon increased labor costs resulting from putting into effect certain wage and salary increases approved in accordance with Executive Order No. 9697. This application has been processed under section 16 of Maximum Price Regulation 592.

The facts in this case indicate that the applicant has met the eligibility requirements set forth under section 16 of Maximum Price Regulation 592. The latter section provides for various adjustments depending upon the applicant's current over-all profitability. The Administrator, in the interest of expedient action based upon wage price applications, has completed studies of this industry generally, and is, in the instance of this and other similar applications, applying to individual applications determinations which generally accord with the tests set forth in section 16, and which are in conformance with Office policy. The adjustment granted in the accompanying order will compensate the applicant only for that portion of the approved wage or salary increase which it appears the applicant cannot absorb out of the adjustment permitted the clay brick and tile industry under section 2.1 (k) of Order No. 1 under Maximum Price Regulation 592, issued September 18, 1945. Should the applicant have factors other than those considered in this action which warrant further adjustment of maximum prices, he may apply for adjustment based on such other factors.

Resellers (except in areas where specific maximum prices are established by area orders) are permitted to increase their existing maximum prices by the percentage increase in cost to them resulting from the increase granted the manufacturer. Thus, these resellers will continue to realize the same percentage margin. The accompanying order, does not, however, permit resellers to increase their maximum prices where such prices are established by dollars-and-cents area pricing orders. In the latter case, appropriate adjustments of such orders will be made where necessary.

[F. R. Doc. 46-18939; Filed, Oct. 21, 1946; 8:47 a. m.]

[MPR 592, Order 172]

PAXTON BRICK CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 172 under section 16 of Maximum Price Regulation No. 592. Specified construction materials and refractories. Paxton Brick Company. Docket No. 6122-592.16-448.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 16 of Maximum Price Regulation No. 592; *It is ordered:*

(a) The maximum net prices for sales by the Paxton Brick Company, Watsontown, Pennsylvania, of brick and struc-

tural hollow tile to its various classes of purchasers may be increased by an amount not in excess of $0.25 per M for standard size brick equivalents or by an amount not in excess of $0.10 per ton for structural hollow tile.

(b) If the Paxton Brick Company, Watsontown, Pennsylvania had an established differential in price during the month of March 1942 for nonstandard sizes of brick it may convert the adjustment granted herein for standard size brick on the basis of the conversion factors or formulae in use by it during March 1942 in establishing price differentials between standard size brick and the other sizes.

(c) Any person purchasing any of the products covered by this order produced by the Paxton Brick Company, Watsontown, Pennsylvania, for the purpose of resale in the same form may increase his presently established prices under the General Maximum Price Regulation by adding the percentage increase in cost actually resulting to him from the increase permitted the manufacturer in (a) above. Notwithstanding the provisions of this paragraph, in any area where specific maximum prices are fixed by an area pricing order such specific maximum prices shall apply in that area.

(d) All requests of the application not granted herein are denied.

(e) This order may be amended or revoked by the Office of Price Administration at any time.

This order shall become effective October 22, 1946.

Issued this 21st day of October 1946.

PAUL A. PORTER,
Administrator.

Opinion Accompanying Order No. 172 Under Section 16 of Maximum Price Regulation No. 592

The Paxton Brick Company, Watsontown, Pennsylvania, has applied for an adjustment in its maximum selling prices for brick and structural hollow tile which it produces. This application is based upon increased labor costs resulting from putting into effect certain wage and salary increases approved in accordance with Executive Order No. 9697. This application has been processed under section 16 of Maximum Price Regulation 592.

The facts in this case indicate that the applicant has met the eligibility requirements set forth under section 16 of Maximum Price Regulation 592. The latter section provides for various adjustments depending upon the applicant's current over-all profitability. The Administrator, in the interest of expedient action based upon wage price applications, has completed studies of this industry generally, and is, in the instance of this and other similar applications, applying to individual applications determinations which generally accord with the tests set forth in section 16, and which are in conformance with office policy. The adjustments granted in the accompanying order will compensate the applicant only for that portion of the approved wage or salary increase which it appears the applicant cannot absorb out of the adjustment permitted the clay brick and tile industry under section 2.1 (k) of Order No. 1 under Maximum Price Regulation 592, issued September 18, 1945. Should the applicant have factors other than those considered in this action which warrant further adjustment of maximum prices, he may apply for adjustment based on such other factors.

Resellers (except in areas where specific maximum prices are established by area orders) are permitted to increase their existing maximum prices by the percentage increase in cost to them resulting from the increase granted the manufacturer. Thus, these resellers will continue to realize the same percentage margin. The accompanying order does not, however, permit resellers to increase their maximum prices where such prices are established by dollars-and-cents area pricing orders. In the latter case, appropriate adjustments of such orders will be made where necessary.

[F. R. Doc. 46-18940; Filed, Oct. 21, 1946; 8:48 a. m.]

[3d Rev. MPR 13, Order 1]

EDGE GRAIN WESTERN RED CEDAR PLYWOOD

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 8 (b) of 3d RMPR 13, *It is ordered:*

(a) The maximum prices, f. o. b. Seattle, Washington for direct mill sales of sawn edge grain Western red cedar plywood manufactured according to specifications set forth in paragraph (c) of this order shall be:

	Per M square feet
Grade No. 1	$150.00
Grade No. 1A	150.00
Grade No. 2	106.00

In stock panel sizes from 24" x 60" up to and including 48" x 96"; each shipment to include 50 percent or more of widths over 36" and lengths over 84".

Estimated average weight no higher than 725 pounds per M square feet may be used in figuring delivery charges.

(b) The maximum markups for distribution sales of Western red cedar plywood shall be:

(1) For plywood distribution plant sales, the same as set forth in section 4 of 3d Rev. MPR 13 for Douglas fir plywood.

(2) For "all other warehouse and yard sales": the same as set forth in section 5 of 3d Rev. MPR 13 for Douglas fir plywood.

(c) The following are the grade specifications for the plywood for which maximum prices are set forth herein:

Edge Grain Western Red Cedar Plywood

Face of all panels: Edge grain Western Red Cedar (Sawn).

Core and Backs: Rotary cut Fir or other softwood species at option of manufacturer.

Glueing: Moisture-resistant.

Thickness: ¼" net—3 ply.

Sanding: Both sides.

Bundling: Standard bundling: 10 pieces of 48" x 96" to 30 pieces 24" x 60" in heavy Kraft paper and steel strapped.

Grade No. 1. The face shall be of carefully selected edge grain, edge glued pieces of 100% heartwood of a uniform light color. It shall be free from knots, splits, checks, and other open defects. Shims and small well matched inconspicuous patches that occur only at the ends of panels shall be permitted. The back may contain knots, splits and other open defects that will not seriously affect the strength or serviceability of the panel.

Grade No. 1A. The face shall be of carefully selected edge grain, edge glued book-matched pieces of a uniform light and dark color. It shall be free from knots, splits, checks and other open defects. Shims and small well matched inconspicuous patches that occur only at the ends of panels shall be permitted. The back may contain knots, splits and other open defects that will not seriously affect the strength or serviceability of the panel.

Grade No. 2. The face shall be of unmatched edge grain, edge glued pieces. It shall be free from knots, splits, checks and other open defects. Streaks, discolorations, sapwood, shims and neatly made patches shall be permitted. The back may contain knots, splits and other open defects that will not seriously affect the strength and serviceability of the panel.

(d) All provisions of the regulation not inconsistent with the provisions of this order shall apply to all sales made under this order.

(e) Invoices covering sales subject to this order shall bear the statement "Prices established by Order No. 1 under 3rd RMPR 13."

(f) The following letter orders issued under section 8 (b) of 3d Rev. MPR 13 are hereby revoked: L-67, 72, 73, 74, 80, 81, 82, 84, 93, 95, 96, 100, 101, 102, 103, 104, 106, 113, 117, 121, and 130.

This Order No. 1 shall become effective October 26, 1946.

Issued this 21st day of October 1946.

PAUL A. PORTER,
Administrator.

Opinion to Accompany Order No. 1 Under 3d RMPR 13

This order establishes maximum prices for all sales of sawn edge grain Western red cedar plywood and revokes all previous orders issued by the Office of Price Administration establishing maximum prices for this item to the manufacturer or to resellers.

The maximum prices established by this order at the manufacturer's level and the markups permitted resellers are the same as those previously issued under individual letter orders and are in line with the general level of prices established by 3d RMPR 13.

This action is taken to eliminate the necessity of application by any new manufacturer or reseller.

[F. R. Doc. 46-19064; Filed, Oct. 21, 1946; 11:39 a. m.]

[RMPR 187,[1] Order 25]

CERTAIN PAPERBOARD PRODUCTS

AUTHORIZATION OF ADJUSTABLE PRICING

Amendment No. 8 to Revised Maximum Price Regulation 187, effective July 26, 1946, permits manufacturers of cor-

[1] 8 F. R. 14395, 17367; 9 F. R. 1320, 2464, 4782; 10 F. R. 7851, 12446; 11 F. R. 7081, 8219, 8677, 10117, 10292.

rugated paperboard products to use current acquisition costs of raw materials, not to exceed ceiling prices, in connection with their pricing formulae and requires them to use weighted average margins in connection with their formulae. The application of this amendment to the pricing formulae of different manufacturers of two piece corrugated garment box blanks has resulted in increases in the maximum prices of the garment box blanks to certain purchasers. The increases in the prices of these blanks affect manufacturers of two piece corrugated garment boxes in the Metropolitan Area of New York who convert the blanks into boxes and whose maximum prices are established by Appendix B of Revised Maximum Price Regulation 187. Consequently, the Office of Price Administration is conducting a cost study in order to determine what resulting adjustments, if any, should be made in the maximum prices of two piece corrugated boxes covered by Appendix B of Revised Maximum Price Regulation 187.

This study will of necessity require conferences with the industry affected and the passage of a considerable amount of time. Unless adjustable pricing authority is granted in the interim to each of the manufacturers of two piece corrugated garment boxes in the Metropolitan Area of New York to prevent the absorption of the increases in the prices of the corrugated box blanks, the production and distribution of this commodity will be seriously endangered. The granting of such authority will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with section 9 of Revised Maximum Price Regulation 187, *It is ordered*, That:

(1) Any manufacturer of two piece corrugated garment boxes in the Metropolitan Area of New York may sell and deliver or agree to sell and deliver this commodity at the maximum prices now established by Appendix B of Revised Maximum Price Regulation 187 with an agreement with the purchaser to collect the difference, if any, between the current maximum prices and any higher maximum prices which may be established by the Office of Price Administration as a result of the proposed study of the effect of any increased prices of corrugated box blanks.

(2) Payments in excess of the current maximum prices of two piece corrugated garment boxes established by Appendix B of Revised Maximum Price Regulation 187 may be collected or paid, if and when any increase in such maximum prices has been granted by the Office of Price Administration, and the amount so collected or paid shall be the difference, if any, between the current maximum prices and any higher maximum prices hereafter granted as a result of this study.

(3) This order shall remain in effect until the proposed cost study on two piece corrugated garment boxes, fabricated in the Metropolitan Area of New York, has been made and action of general applicability with respect to the present maximum prices of two piece corrugated garment boxes has been taken by the Office of Price Administration, unless sooner revoked.

This order shall become effective October 21, 1946.

Issued this 21st day of October 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-19074; Filed, Oct. 21, 1946; 11:42 a. m.]

[MPR 188, Amdt. 2 to Rev. Order 1470]

NEW METAL COTS AND DOUBLE DECK BEDS

MAXIMUM PRICES FOR SALES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.159b of Maximum Price Regulation No. 188, *It is ordered*, That Revised Order 1470 under § 1499.159b of Maximum Price Regulation No. 188 is amended in the following respects:

1. Section 3 (c) is amended to read as follows:

(c) If, before the issuance of this revised order, a manufacturer's maximum prices were established under paragraph (f) of Order No. 1470 for sales of any article covered by this revised order which is not listed in Appendix A, the manufacturer shall compute new maximum prices for his sales of that article as follows:

(i) He shall determine the weight of the wire in the article.

(ii) He shall determine the weight of the angles, flats and strips in the article.

(iii) He shall add to his maximum price established under paragraph (f) of Order No. 1470 the increase in his steel cost figured at $9.00 per ton in the case of wire; and $7.00 per ton in the case of angle, flat and strips.

(iv) He may increase by 6 percent the amount calculated under paragraph (iii) above.

(v) He shall calculate the retail maximum price for the article by multiplying the amount computed under paragraph (iv) above by 191 percent.

The new maximum prices so computed shall be reported by the manufacturer to the Office of Price Administration, Washington, D. C., before he first offers the article for sale at a price higher than the maximum prices previously established under Revised Order No. 1470. If the reported maximum price is incorrectly calculated, the Office of Price Administration will issue an order establishing the correct maximum price for the manufacturer's and retail maximum price for sales of the article.

2. Appendix A is amended by deleting the column with the heading "cash maximum retail price for articles which the manufacturer delivered prior to August 19, 1946."

3. Appendix A is further amended by deleting the words "on or after August 19, 1946" from the present last (fourth) column.

4. Appendix A is amended further by changing the f. o. b. factory l. c. l. maximum prices and the cash maximum retail prices for the classes of articles listed, as follows:

	F. o. b. factory l. c. l. maximum price	Cash maximum retail price
Class I:		
2′ 6″ size	$5.20	$9.90
3′ 3″ size	5.70	10.90
3′ 6″ size	6.00	11.45
4′ 0″ size	6.55	12.55
Class II:		
2′ 6″ size 40 coil	7.25	13.90
3′ 3″ size 50 coil	8.10	15.50
3′ 6″ size 60 coil	8.40	16.10
4′ 0″ size 70 coil	9.05	17.35
Class III:		
2′ 6″ size	5.75	10.90
3′ 0″ size	6.00	11.45
3′ 3″ size	6.25	11.95
3′ 6″ size	6.50	12.45
4′ 0″ size	7.10	13.55
Class IV:		
2′ 6″ size	4.00	7.60
3′ 0″ size	4.25	8.10
Class V:		
2′ 6″ size	3.55	6.80
3′ 0″ size	3.80	7.30
Class VI:		
2′ 6″ size	8.35	16.00
3′ 0″ size	8.95	17.10

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This amendment shall be effective on the 26th day of October 1946.

Issued this 21st day of October 1946.

PAUL A. PORTER,
Administrator.

Opinion Accompanying Amendment 2 to Revised Order 1470 Under § 1499.159b of Maximum Price Regulation No. 188

The accompanying amendment to Revised Order 1470 to Maximum Price Regulation No. 188 increases the dollars-and-cents maximum prices set forth in Appendix A at both manufacturing and retail levels for sales of metal cots and double deck beds. The manufacturers' prices set forth in this amendment represent a 16.6% increase over October 1941 prices. In view of previous price increases granted to this industry since October 1941, however, the accompanying amendment provides increases at the manufacturing level of 6% over current prices. This increase is given in accordance with the basic reconversion pricing policy of the Office of Price Administration.

The circumstances under which price increase factors may be authorized for manufacturers of reconversion products are set forth in Section 1499.159e of Maximum Price Regulation No. 188 and are explained in the statement of considerations accompanying Amendment 67 to that regulation. The accompanying amendment is consistent with these provisions.

Earlier maximum prices and subsequent increases for the products covered by Revised Order 1470 were established before the reconversion policy was definitely formulated, and thus determined on a different basis. New metal cots and double deck beds are properly regarded as reconversion products under the standards used by the Office of Price

Administration. This price action, therefore, is based upon the reconversion formula applied by the office for reconversion products.

In determining this industry's price increase factor, the same procedure was followed and the same calculations were used as those set forth in the statement of considerations involved in the issuance of Amendment No. 6 to Third Revised Maximum Price Regulation 213 for new flat and coil bedsprings and metal beds. The Administrator has deemed this action proper in view of the integration of these industries, as well as the similarity of the type and quality of materials, the production processes, and the amount of labor used in the production of bed springs and metal cots and double deck beds. Therefore, the procedure followed and computations used in arriving at the increase factor in Third Revised Maximum Price Regulation 213, as set out in the statement of considerations accompanying that order, are incorporated herein by reference.

The increase provided by the accompanying amendment adjusts manufacturers' current maximum prices by 6% (rounded to the nearest five cents) as shown in Appendix A. Resellers' maximum prices are based on an average of 91% markup. Amendment No. 1 to this order has restored to resellers the markups in effect on March 31, 1946. This amendment maintains those margins and is therefore in conformity with section 2 (t) of the Price Control Extension Act, as amended, which provides ". . . in establishing maximum prices applicable to wholesale or retail distribution, the Administrator shall allow the average current cost of acquisition of any commodity, plus such average percentage discount or markup as was in effect on March 31, 1946."

The Administrator has advised and consulted with representative members of the industry and has given consideration to their recommendations.

All provisions of this amendment and their effect upon business practices, cost practices, or methods, or means or aids, to distribution in the industry or industries affected have been carefully considered. No provisions which might have the effect of requiring a change in such practices, means, aids, or methods established in the industry or industries affected, have been included in the amendment unless such provisions have been found necessary to achieve effective price control and to prevent circumvention or evasion of the amendment or of the Act. To the extent that the provisions of this amendment compel or may operate to compel changes in business practices, cost practices or methods, or means, or aids, to distribution established in the industry or industries affected, such provisions are necessary to prevent circumvention or evasion of this amendment or of the Emergency Price Control Act of 1942, as amended.

The action taken in the accompanying amendment is consistent with the provisions of Executive Order 9697 and with the provisions of the Emergency Price Control Act of 1942, as amended.

[F. R. Doc. 46-19063; Filed, Oct. 21, 1946; 11:39 a. m.]

[2d Rev. MPR 26, Amdt. 1 to Order 1]

DOUGLAS FIR AND OTHER WEST COAST LUMBER

APPROVAL OF MAXIMUM PRICES FOR BROOM AND MOP HANDLES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to Second Revised Maximum Price Regulation 26, and in accordance with paragraph (c) of Order 1 thereunder, paragraph (a) of said Order 1 is amended to read as follows:

(a) The maximum prices for Douglas fir broom and mop handle squares are:

DOUGLAS FIR HANDLE SQUARES, ROUGH, GREEN

1 x 1 x 36" at $13.00 M pieces.
1 x 1 x 42" at $15.25 M pieces.
1 x 1 x 48" at $17.25 M pieces.

DOUGLAS FIR HANDLE SQUARES, ROUGH, GREEN—Continued

1 x 1 x 54" at $19.50 M pieces.
1 x 1 x 60" at $21.50 M pieces.
1⅛ x 1⅛ x 37" at $18.25 M pieces.
1⅛ x 1⅛ x 48" at $22.00 M pieces.
1¼ x 1¼ x 42" and 48" at $27.00 M pieces.
1¼ x 1¼ x 54" at $30.25 M pieces.
1¼ x 1¼ x 60" at $33.75 M pieces.
1¼ x 1¼ x 96" at $58.50 M pieces.

This amendment shall become effective October 26, 1946.

Issued this 21st day of October 1946.

PAUL A. PORTER,
Administrator.

Opinion Accompanying the Issuance of Amendment 1 to Order No. 1 to 2d Revised Maximum Price Regulation 26

This amendment is issued to provide the following prices for the four additional sizes of Douglas fir broom and mop handle squares listed below:

1 x 1 x 60" at $21.50 M pieces.
1⅛ x 1⅛ x 48" at $22.00 M pieces.
1¼ x 1¼ x 54" at $30.25 M pieces.
1¼ x 1¼ x 60" at $33.75 M pieces.

The need for these prices is occasioned by the conversion of the broom and mop handle industry toward its pre-war production pattern and the production of brooms and mops in a greater variety of sizes. Such variety requires the provision of prices for the above squares from which the new broom and mop sizes will be manufactured.

The new prices have been related to that for the principal size, namely, 1¼" x 1¼" x 48", and adjusted for the difference in lumber content. They reflect, therefore, the discretionary price increase granted by Order 1 to 2d RMPR 26.

In view of the above considerations, the Administrator finds that this amendment is necessary and proper and consistent with the purposes and standards of the Emergency Price Control Act of 1942, as amended, and the Executive orders of the President.

[F. R. Doc. 46-19073; Filed, Oct. 21, 1946; 11:42 a. m.]